REMARKS

Applicants have cancelled Claims 36, and 41-45 without prejudice to, or disclaimer of, the subject matter contained therein. Applicants maintain that the cancellation of a claim makes no admission as to its patentability and reserve the right to pursue the subject matter of the cancelled claim in this or any other patent application.

Applicants have amended Claims 27-31 and 35 to remove reference to the figures. Applicants have amended claim 34 to read "a tag polypeptide". Applicants have amended Claim 35 to add the limitation "wherein said isolated polypeptide is overexpressed in lung or colon tumors compared to normal lung or colon tissue, respectively, or wherein said isolated polypeptide is encoded by a nucleic acid which is amplified in lung or colon tumor compared to normal lung or colon tissue, respectively." Applicants have added new Claims 46 and 47. Applicants maintain that the amendments add no new matter and are fully supported by the specification as originally filed. For example, support for the amendment to Claim 34 can be found in the substitute specification on page 44, lines 0-6. Support for the amendment to Claim 35 can be found in the substitute specification, for example, in Example 16, beginning on page 108, line 20, particularly at lines 21-25.

Claims 27-35, 37-40, and 46-47 are presented for examination. Applicants respond below to the specific rejections raised by the Examiner in the Office Action mailed September 7, 2004. For the reasons set forth below, Applicants respectfully traverse.

Rejection under 35 U.S.C. §101 – Utility

The PTO has rejected the pending claims under 35 U.S.C. § 101 as lacking patentable utility. The PTO concedes that the cited utilities are credible. However, the PTO alleges that the invention lacks both substantial and specific utility. Applicants respectfully disagree.

Substantial Utility

The PTO argues that the invention lacks substantial utility because the level of overexpression in cancer cells of the nucleic acid which encodes the PRO539 protein was minimal, and there is no evidence that overexpression is significant or a real effect and not simply produced by chance. In addition, the PTO argues that the invention lacks utility because the overexpression of the nucleic acid is not relevant to the utility of the protein and there is no

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evidence that the protein is overexpressed. The PTO cites three references to support its position that there is no *necessary* correlation between gene amplification, gene expression, and protein expression. The PTO concludes that because there is no *necessary* connection between the amount of DNA in a cell and the amount of mRNA, and no *necessary* connection between the level of protein in a cell and the amount of mRNA, any evidence of overexpression of one component does not provide utility for the protein. The PTO argues that the current situation closely tracks Example 12 of the Utility Guidelines, because where there is no *necessary* relationship between the protein levels or utilities and a small level of mRNA overexpression in cancer cells, the invention lacks any "real world" context of use for PRO539.

Utility need NOT be Proved to an Absolute Certainty – a Correlation between the Evidence and the Asserted Utility is Sufficient

Compliance with 35 U.S.C. § 101 is a question of fact. *Raytheon v. Roper*, 724 F.2d 951, 956, 220 USPQ 592, 596 (Fed. Cir. 1983) cert. denied, 469 US 835 (1984). The evidentiary standard to be used throughout *ex parte* examination in setting forth a rejection is a preponderance of the evidence, or "more likely than not" standard. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). This is stated explicitly in the M.P.E.P.:

> [T]he applicant does not have to provide evidence sufficient to establish that an asserted utility is true "beyond a reasonable doubt." Nor must the applicant provide evidence such that it establishes an asserted utility as a matter of statistical certainty. Instead, evidence will be sufficient if, considered as a whole, it leads a person of ordinary skill in the art to conclude that the asserted utility is <u>more likely than not</u>. M.P.E.P. at § 2107.02, part VII (2004) (emphasis in original, internal citations omitted).

The PTO has the initial burden to offer evidence "that one of ordinary skill in the art would reasonably doubt the asserted utility." *In re Brana*, 51 F.3d 1560, 1566, 34 U.S.P.Q.2d 1436 (Fed. Cir. 1995). Only then does the burden shift to the Applicant to provide rebuttal evidence. *Id.* As stated in the M.P.E.P., such rebuttal evidence does not need to absolutely prove that the asserted utility is real. Rather, the evidence only needs to be reasonably indicative of the asserted utility.

In *Fujikawa v. Wattanasin*, 93 F.3d 1559, 39 U.S.P.Q.2d 1895 (Fed. Cir. 1996), the Court of Appeals for the Federal Circuit upheld a PTO decision that *in vitro* testing of a novel pharmaceutical compound was sufficient to establish practical utility, stating the following rule:

> [T]esting is often required to establish practical utility. But the test results **need not absolutely prove** that the compound is pharmacologically active. All that is required is that the tests be *"reasonably* indicative of the desired [pharmacological] response." In other words, there must be **a sufficient correlation** between the tests and an asserted pharmacological activity so as to convince those skilled in the art, **to a reasonable probability**, that the novel compound will exhibit the asserted pharmacological behavior." *Fujikawa v. Wattanasin*, 93 F.3d 1559, 1564, 39 U.S.P.Q.2d 1895 (Fed. Cir. 1996) (internal citations omitted, bold emphasis added, italics in original).

While the *Fujikawa* case was in the context of utility for pharmaceutical compounds, the principals stated by the Court are applicable in the instant case where the asserted utility is for a therapeutic and diagnostic use – utility does not have to be established to an absolute certainty, rather, the evidence must convince a person of skill in the art "to a reasonable probability." In addition, the evidence need not be direct, so long as there is a "sufficient correlation" between the tests performed and the asserted utility.

The Court in *Fujikawa* relied in part on its decision in *Cross v. Iizuka*, 753 F.2d 1040, 224 U.S.P.Q. 739 (Fed. Cir. 1985). In *Cross*, the Appellant argued that basic *in vitro* tests conducted in cellular fractions did not establish a practical utility for the claimed compounds. Appellant argued that more sophisticated *in vitro* tests using intact cells, or *in vivo* tests, were necessary to establish a practical utility. The Court in *Cross* rejected this argument, instead favoring the argument of the Appellee:

> [I]n vitro results...are generally predictive of *in vivo* test results, i.e., there is a **reasonable correlation** therebetween. Were this not so, the testing procedures of the pharmaceutical industry would not be as they are. [Appellee] has not urged, and rightly so, that there is an invariable exact correlation between *in vitro* test results and *in vivo* test results. Rather, [Appellee's] position is that successful *in vitro* testing for a particular pharmacological activity establishes a **significant probability** that *in vivo* testing for this particular pharmacological activity will be successful. *Cross v. Iizuka*, 753 F.2d 1040, 1050, 224 U.S.P.Q. 739 (Fed. Cir. 1985) (emphasis added).

The *Cross* case is very similar to the present case. Like *in vitro* testing in the pharmaceutical industry, those of skill in the field of biotechnology rely on the reasonable correlation that exists between gene expression and protein expression (see below). Were there no reasonable correlation between the two, the techniques that measure gene levels such as microarray analysis, differential display, and quantitative PCR would not be so widely used by

those in the art. As in *Cross*, Applicants here do not argue that there is "an invariable exact correlation" between gene expression and protein expression. Instead, Applicants' position detailed below is that a measured increase in gene expression or gene amplification in cancer cells establishes a "significant probability" that the encoded polypeptide will also be overexpressed in cancer based on "a reasonable correlation therebetween".

Taken together, the legal standard for demonstrating utility is a relatively low hurdle. An Applicant need only provide evidence such that it is **more likely than not that a person of skill in the art would be convinced, to a reasonable probability, that the asserted utility is true**. The evidence need not be direct evidence, so long as there is a reasonable correlation between the evidence and the asserted utility. **The standard is not absolute certainty.**

Even assuming that the PTO has met its initial burden to offer evidence that one of ordinary skill in the art would reasonably doubt the truth of the asserted utility, Applicants assert that they have met their burden of providing rebuttal evidence such that it is more likely than not those skilled in the art, to a reasonable probability, would believe that the PRO539 polypeptide is useful as a diagnostic tool for cancer.

Applicants have established that the Gene Encoding the PRO539 Polypeptide is Amplified in Lung and Colon Tumors compared to Normal Tissue and is Useful as a Diagnostic Tool

Applicants first address the PTO's argument that the level of overexpression of nucleic acid encoding PRO539 was minimal and insignificant. Applicants submit that the gene amplification data provided in the present application are sufficient to establish a specific and substantial utility for the gene encoding the PRO539 polypeptide, as well as the PRO539 polypeptide.

Applicants previously submitted the declaration of Dr. Audrey Goddard with exhibits A-G. In her declaration, Dr. Goddard states that a 2-fold increase in gene copy number, i.e., a ΔCt value of 1, is "significant and useful" in detecting cancerous tumors or the diagnosis of cancer. Goddard Declaration, paragraph 7. The nucleic acid encoding the PRO539 polypeptide has a value of 1 or greater in several tumor samples tested. Thus, the differential expression of the nucleic acid encoding PRO539 can be used to distinguish cancerous tissue from normal tissue.

In the present Office Action, the PTO has not offered any reason to reject Dr. Goddard's declaration. Applicants remind the PTO that the applicant need **not** provide evidence such that it

establishes an asserted utility "as a matter of statistical certainty." M.P.E.P. at § 2107.02, part VII (2004). Applicants therefore submit that they have established that the gene amplification data reported in Example 16 are significant, and the utility for the PRO539 DNA in distinguishing between normal and cancerous tissue has been established. For the reasons discussed below, this leads to utility for the PRO539 polypeptides as well.

Applicants have established that the Accepted Understanding in the Art is that there is a Reasonable Correlation between Gene Amplification and Overexpression of the Encoded Protein

Applicants next address the PTO's argument that the invention lacks utility because the overexpression of the nucleic acid is not relevant to the utility of the protein, and there is no evidence that the protein is overexpressed. The PTO cites Pennica *et al.* (Proc. Natl. Acad. Sci. (1998) 95:14717-14722) for the proposition that there is no *necessary* connection between the amount of DNA in a cell and the amount of mRNA in a cell. The PTO also cites Meric *et al.* (Molecular Cancer Therapeutics (2002) 1:971-79) and Gokman-Polar (Cancer Research (2001) 61:1375-81) to support its position that there is no *necessary* correlation between mRNA levels and protein levels. The PTO concludes that because there is no *necessary* connection between gene amplification and mRNA, and between mRNA and protein, any evidence of overexpression of one component does not provide utility for the protein.

As discussed above, evidence of utility does not have to be to an absolute certainty, and therefore there does not need to be a *necessary* connection between gene amplification and protein expression. Rather, there need only be a *reasonable* correlation between the evidence offered and the asserted utility such that it is more likely than not that a person of skill in the art would be convinced, to a reasonable probability, that the asserted utility is true.

Applicants submit that those of skill in the art would recognize that there is a reasonable correlation between amplification of a gene and an increase in gene expression. This assertion is supported by numerous references. Orntoft *et al.* (*Molecular and Cellular Proteomics*, 1:37-45 (2002); submitted herewith as Exhibit 1) studied transcript levels of 5600 genes in malignant bladder cancers which were linked to a gain/loss of chromosomal material using an array-based method. Orntoft *et al.* showed that there was a gene dosage effect and teach that "in general (18 of 23 cases) chromosomal areas with more than 2-fold gain of DNA showed a corresponding increase in mRNA transcripts." Orntoft at 37, column 1, abstract. In addition, Hyman *et al.*

(*Cancer Research*, 62:6240-6245 (2002); submitted herewith as Exhibit 2) used CGH analysis and cDNA microarrays to compare DNA copy numbers and mRNA expression of over 12,000 genes in breast cancer tumors and cell lines. They showed that there is "evidence of a prominent global influence of copy number changes on gene expression levels." Hyman at 6244, column 1, last paragraph.

Additional supportive teachings are also provided by Pollack *et al.* (*PNAS*, 99:12963-12968 (2002); submitted herewith as Exhibit 3) who studied a series of primary human breast tumors and found that "[b]y analyzing mRNA levels in parallel, we have also discovered that *changes in DNA copy number have a large, pervasive, direct effect on global gene expression patterns* in both breast cancer cell lines and tumors." Pollack at 12967 at column 1, emphasis added. Their study found that "62% of highly amplified genes show moderately or highly elevated expression, that DNA copy number influences gene expression across a wide range of DNA copy number alterations (deletion, low-, mid- and high-level amplification), that on average, a 2-fold change in DNA copy number is associated with a corresponding 1.5-fold change in mRNA levels." (Pollack at 12963, column 1, abstract).

Together, these articles collectively teach that *it is more likely than not* that gene amplification increases mRNA expression. This evidence establishes that there is a reasonable correlation between gene amplification and gene expression, and one of skill in the art would believe, to a reasonable probability, that gene amplification would lead to increased gene expression.

Relying on a single contrary example of one gene, the PTO states that the literature reports that it does not *necessarily* follow that an increase in gene copy number results in increased gene expression and increased polypeptide expression. The PTO focuses on a statement from the abstract of Pennica that the *WISP-2* gene DNA was amplified in colon tumors, but RNA expression was reduced. Pennica at 14717. This inverse correlation is in contrast to the *WISP-1* gene, which was amplified and had higher RNA levels. The authors of Pennica offer an explanation for what they obviously viewed as an anomalous result: "Because the center of the 20q13 amplicon [of which *WISP-2* is a part] has not yet been identified, it is possible that the *apparent amplification* observed for *WISP-2* may be caused by another gene in this amplicon." *Id.* at 14722, emphasis added. Thus, the example of a lack of positive correlation between gene amplification and RNA levels relied on by the PTO may not even be

real. The fact that the authors attempt to explain this anomaly only supports Applicants' argument that the accepted understanding in the art is that there is a direct correlation between gene amplification and an increase in gene expression.

As stated above, the standard for utility is not absolute certainty, but rather whether one of skill in the art would be more likely than not to believe the asserted utility. Even if Pennica supported the PTO's argument, which it does not, one contrary example is not sufficient to prove that a person of skill in the art would have a reasonable doubt that gene amplification is not correlated to gene expression. Given the evidence provided by the Applicants which establishes that there is a reasonable correlation between gene amplification and mRNA expression, one of skill in the art would believe, to a reasonable probability, that the reported amplification of the PRO539 gene would lead to an increase in the level of PRO539 mRNA.

Applicants next address the PTO's argument that there is no *necessary* correlation between mRNA levels and protein levels.

Applicants have previously submitted a copy of a Declaration by J. Christopher Grimaldi, an expert in the field of cancer biology. As stated in paragraph 5 of the declaration, "Those who work in this field are well aware that in the vast majority of cases, when a gene is over-expressed...the gene product or polypeptide will also be overexpressed." Similarly, the previously submitted declaration of Paul Polakis, Ph.D., an expert in the field of cancer biology states that "it remains a central dogma in molecular biology that increased mRNA levels are predictive of corresponding increased levels of the encoded protein." Polakis Declaration, paragraph 6. He cites as supporting evidence not only his years of personal experience, but also results from experiments related to the present application. He reports that for the mRNAs overexpressed in cancer that have been examined, 80% had correspondingly higher levels of the encoded protein. Polakis Declaration at paragraphs 4 and 5.

The statements of Grimaldi and Polakis are supported by the teachings in Molecular Biology of the Cell, a leading textbook in the field (Bruce Alberts, *et al.*, Molecular Biology of the Cell (4th ed. 2002) submitted herewith as Exhibit 4). Figure 6-3 on page 302 illustrates the basic principle that there is a correlation between increased gene expression and increased protein expression. The accompanying text states that "a cell can change (or regulate) the expression of each of its genes according to the needs of the moment – *most obviously by controlling the production of its mRNA*." Molecular Biology of the Cell at 302, emphasis added.

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Similarly, figure 6-90 on page 364 illustrates the path from gene to protein. The accompanying text states that while potentially each step can be regulated by the cell, "the initiation of transcription is the most common point for a cell to regulate the expression of each of its genes." Molecular Biology of the Cell at 364. This point is repeated on page 379, where the authors state that of all the possible points for regulating protein expression, "[f]or most genes transcriptional controls are paramount." Molecular Biology of the Cell at 379.

Together, the declarations of Grimaldi and Polakis, the accompanying references, and the excerpts from the Molecular Biology of the Cell all establish that the accepted understanding in the art is that there is a reasonable correlation between gene expression and the level of the encoded protein. Applicants have demonstrated the increased expression of the gene encoding PRO539, and have provided sufficient evidence to show that there is a reasonable correlation between expression of the gene and the level of PRO539 protein.

In arguing against this assertion, the PTO cites two references. The PTO relies on a statement from Gokman-Polar that "PKC mRNA levels do not directly correlate with PKC protein levels." Office Action at 3-4. However, a close review of the entire article indicates that with one exception, the trend in the data is that mRNA and protein levels are positively correlated, supporting Applicants assertion. In Figure 2, the protein level of two isozymes shows a decrease, while the third is increased. This same pattern is seen for the corresponding mRNA levels in Figure 6, although admittedly the increase in mRNA for the third isozyme is minimal. Similarly, comparing the protein levels of the three isozymes in Figure 4 to the corresponding mRNA levels in Figure 7, with one exception the mRNA levels are positively correlated to protein levels. While protein levels do not increase or decrease in direct proportion to the changes in mRNA, the trend in five of the six examples is that protein levels are positively correlated to mRNA levels. This evidence is hardly sufficient to establish that one of skill in the art would reasonably doubt that there is a reasonable correlation between mRNA levels and protein levels.

The Meric article cited by the PTO offers even less support for the PTO's position. The PTO relies on the statement that "Gene expression is quite complicated, however, and is also regulated at the level of mRNA stability, mRNA translation, and protein stability." Office Action at 3. What the PTO ignores is the preceding statement by the authors:

The **fundamental principle** of molecular therapeutics in cancer is to exploit the differences in gene expression between cancer cells and normal cells...[M]ost efforts have concentrated on identifying differences in gene expression at the level of mRNA, which can be attributable to either DNA amplification or to differences in transcription. Meric at 971 (emphasis added).

This statement supports Applicants' asserted utility. It is true that there is no *necessary* correlation between gene expression and protein expression because there are other mechanism for regulating gene expression. However, were there no significant correlation between gene expression and protein levels, exploiting differences in gene expression between cancer cells and normal cells would not be a "fundamental principle of molecular therapeutics in cancer."

In light of the lack of significant support for the PTO's argument, Applicants submit that the PTO has failed to establish a reason for one of skill in the art to doubt the asserted utility. Even if it has, Applicants have offered sufficient evidence to rebut the PTO's argument and establish that there is a reasonable correlation between gene amplification, gene expression, and protein expression. The PTO is again reminded that absolute predictability is not required. Applicants have established that it is more likely than not that one of skill in the art would be convinced, to a reasonable probability, that the PRO539 protein is overexpressed in certain cancers, and therefore has utility as a diagnostic tool.

The Instant Case Differs Significantly from Example 12 of the Utility Guidelines

Applicants next address the PTO's argument that the current situation closely tracks Example 12 of the Utility Guidelines, because where there is no necessary relationship between the protein levels or utilities and a small level of mRNA overexpression in cancer cells, the invention lacks any "real world" context of use for PRO539.

In Example 12, the specification discloses a protein, receptor A, which is the binding partner for protein X. The specification does not characterize the isolated protein with regard to its biological function or any disease or body condition that is associated with the isolated protein. In addition, the function of protein X has also not been identified. One of the asserted utilities for receptor A is making monoclonal antibodies to receptor A which can be used as a therapeutic drug to effect control over the receptor. In the analysis of this asserted utility for receptor A, the Utility Guidelines state that "since neither the specification nor the art of record disclose *any* diseases or conditions associated with receptor A, the asserted utility in this case

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essentially is a method of treating an unspecified, undisclosed disease or condition, which does not define a 'real world' context of use." Utility Guidelines at 66, emphasis added.

The situation in Example 12 is not the situation here. Applicants have demonstrated that the nucleic acid encoding PRO539 is amplified in certain cancers. Thus, unlike the protein in Example 12, PRO539 **is** associated with a disease or condition – more specifically, lung and colon cancer.

The PTO asserts that because it is the nucleic acid, and not the PRO539 polypeptide which has been shown to be amplified in cancer cells, the PRO539 polypeptide is not associated with any disease. However, as discussed at length above, Applicants have demonstrated a reasonable correlation between gene amplification and protein expression such that one of skill in the art would believe, to a reasonable probability, that the PRO539 protein is overexpressed in certain cancers and is therefore useful as a diagnostic tool.

The present situation closely resembles the caveat discussed at the end of Example 12, where receptor A is shown to be present on the cell membranes of melanoma cells but not on the cell membranes of normal skin cells. The Utility Guidelines state that in that situation, "making a monoclonal antibody to receptor A for diagnosing melanoma would constitute a well-established utility." Utility Guidelines at 70. Similarly, here Applicants have provided evidence that it is more likely than not that PRO539 is expressed at higher levels in certain cancer cells than normal tissue, and therefore it can be used to make diagnostic antibodies.

The PTO's Response to Applicants' Expert Declarations and Arguments is Insufficient to reject the Applicants' Asserted Utility

The PTO's rejection of Applicants' expert declarations as "fundamentally flawed" because they fail to provide specific evidence regarding PRO539 is unwarranted. As discussed above, specific evidence of overexpression of PRO539 in cancer is not required. Instead, indirect evidence of the asserted utility of the PRO539 polypeptide can be offered so long as there is a "reasonable correlation" between the proffered evidence and asserted utility, such that it is more likely than not that a person of skill in the art would believe the asserted utility. The Applicants' expert declarations establish a reasonable correlation between gene amplification and protein expression, and in view of Applicants' data showing amplification of the gene encoding PRO539

in lung and colon cancer, thus support the asserted utility of the PRO539 polypeptides as a diagnostic tool for cancer.

Similarly, the PTO's reliance on *In re Kirk*, 376 F.2d 936, 153 U.S.P.Q. 48 (C.C.P.A. 1967) is also misplaced. In *Kirk*, the asserted utility for the claimed compounds was "a new class of compounds often possessing high biological activity" and "intermediates in the preparation of compounds with valuable biological properties...". *Id.* at 1120, 1121. The Court rejected these statements as "nebulous expressions" of usefulness. *Id.* at 1124.

Here, Applicants have asserted a much more specific utility than "biological activity" or "biological properties". Applicants have provided evidence of amplification of the gene encoding PRO539 in certain cancers and have shown that this evidence is reasonably correlated to overexpression of the PRO539 polypeptide in those same cancers, namely, lung and colon cancer. As Example 12 of the Utility Guidelines make clear, when a protein is differentially expressed in cancer compared to normal tissue, the protein has utility in making antibodies which can be used to diagnose the cancer. This is the situation here.

Specific Utility

The PTO argues that even if substantial utility were found, there is no specific utility given for the PRO539 protein, since the protein, as distinguished from the nucleic acid, has not been associated with any disease, condition, or any other specific feature. Relying on the lack of correlation between levels of nucleic acid and protein cited in the Gokman-Polar and Meric references, the PTO argues that the overexpression of the nucleic acid gives no specific utility because it is entirely unrelated to uses of the protein. Applicants respectfully disagree.

Specific Utility is defined as utility which is "specific to the subject matter claimed," in contrast to "a general utility that would be applicable to the broad class of the invention." M.P.E.P. § 2107.01, part I (2004). Applicants submit that the evidence of overexpression of PRO539 nucleic acids in certain types of cancer cells along with the declarations and references discussed above provide a specific utility for the claimed proteins. As stated above, Applicants have established a reasonable correlation between gene amplification and protein expression. This makes the PRO539 protein useful in diagnosing lung and colon cancer. This is not a general utility that would apply to the broad class of proteins.

The amplification of PRO539 nucleic acid in certain cancer cells distinguishes this case from Examples 4 and 12 of the Utility Guidelines cited by the PTO. In both examples, there is no description of the protein beyond its sequence or its binding of an unidentified ligand. Here, the disclosed proteins are encoded by a nucleic acid that is amplified in certain cancer cells, which is reasonably correlated to overexpression of the PRO539 polypeptide. This makes the utility of using the protein to diagnose lung and colon cancer specific, since in general, proteins are not overexpressed in cancer cells.

The PTO's previous response to Applicants' arguments regarding specific utility is lacking. The PTO asserts that because Applicants' arguments presume the PRO539 protein is overexpressed, and this is not *necessarily* the case, this cannot serve as the foundation to support specific utility. However, utility need not be established "beyond a reasonable doubt" or to a "statistical certainty." Rather, Applicants need only establish that the asserted utility is "more likely than not." M.P.E.P. at § 2107.02, part VII (2004). Thus, it need not be shown that overexpression of PRO539 polypeptide is *necessarily* the case, only that it is more likely than not, which Applicants have done.

Conclusion

Given the totality of the evidence provided, Applicants submit that they have established a credible, substantial, and specific utility for the claimed polypeptides as diagnostic tools. According to the M.P.E.P. and case law cited above, irrefutable proof of a claimed utility is **not** required. Rather, a specific and substantial credible utility requires only a "reasonable" confirmation of a real world context of use. Applicants have offered sufficient evidence to establish that there is a reasonable correlation between gene amplification, gene expression, and protein expression. Applicants have established that it is more likely than not that one of skill in the art would be convinced, to a reasonable probability, that based on the gene amplification data for the gene encoding PRO539, the PRO539 protein is overexpressed in certain cancers, and therefore has utility as a diagnostic tool. In view of the above, Applicants respectfully request that the PTO reconsider and withdraw the utility rejection under 35 U.S.C. §101.

Rejection under 35 U.S.C. §112 – Written Description

The PTO has rejected Claims 35-45 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The PTO states that "the compound is claimed solely [by] its protein sequence related 80%-99% SEQ ID NO: 7 without any correlative function to delimit the structure." The Office Action at page 9. The PTO argues that at the time of filing there is no record or description which would demonstrate conception of any proteins other than those expressly disclosed which comprise SEQ ID NO: 7.

The Legal Standard for Written Description

The well-established test for sufficiency of support under the written description requirement of 35 U.S.C. §112 , first paragraph is whether the disclosure "reasonably conveys to artisan that the inventor had possession at that time of the later claimed subject matter." *In re Kaslow*, 707 F.2d 1366, 1375, 2121 USPQ 1089, 1096 (Fed. Cir. 1983); see also *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at1563, 19 USPQ2d at 1116 (Fed. Cir. 1991). The adequacy of written description support is a factual issue and is to be determined on a case-by-case basis. See e.g., *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1563, 19 USPQ2d at 1116 (Fed. Cir. 1991). The factual determination in a written description analysis depends on the nature of the invention and the amount of knowledge imparted to those skilled in the art by the disclosure. *Union Oil v. Atlantic Richfield Co.*, 208 F.3d 989, 996 (Fed. Cir. 2000).

The Current Invention is Adequately Described

As noted above, whether the Applicants were in possession of the invention as of the effective filing date of an application is a factual determination, reached by the consideration of a number of factors, including the level of knowledge and skill in the art, and the teaching provided by the specification. The inventor is not required to describe every single detail of his/her invention. An Applicant's disclosure obligation varies according to the art to which the invention pertains.

The present invention pertains to the field of recombinant DNA/protein technology. It is well established that the level of skill in this field is very high since a representative person of

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skill is generally a Ph.D. scientist with several years of experience. Accordingly, the teaching imparted in the specification must be evaluated through the eyes of a highly skilled artisan as of the date the invention was made. The subject matter of the rejected claims concerns polypeptides having a sequence identity of 95-99% with the specified polypeptide sequence of SEQ ID NO: 7, and as amended, with the functional recitation: "wherein said isolated polypeptide is overexpressed in lung or colon tumors compared to normal lung or colon tissue, respectively, or wherein said isolated polypeptide is encoded by a nucleic acid which is amplified in lung or colon tumor compared to normal lung or colon tissue, respectively." Based on the detailed description of the cloning and expression of variants of PRO539 in the specification, the description of the gene amplification assay, the actual reduction to practice of sequences SEQ ID NOs: 6 and 7, and the functional recitation in the instant claims, Applicants submit that one of skill in the art would know that Applicants possessed the subject matter of the pending claims. Hence, Applicants respectfully request that the PTO reconsider and withdraw the written description rejection under 35 U.S.C. §112.

Rejection under 35 U.S.C. §112 – Enablement

The PTO rejected Claims 27-45 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. The PTO cites *In re Wands* and the factors set forth therein to determine the scope of enablement. However, Applicants respectfully submit that the PTO's conclusions are inconsistent with the teachings of *Wands*, as they rest on the erroneous assumption that a *necessary* connection between gene amplification and protein expression is required. The PTO states that "[w]ith regard to enablement, fundamentally the same arguments [as those given for utility] apply, and this rejection is maintained for the same reasons as given above in response to the arguments on utility." Office Action at 18.

The Applicants believe that the evidence, declarations, references, and arguments discussed above make clear that Applicants have established that it is more likely than not that one of skill in the art would be convinced, to a reasonable probability, that the PRO539 protein is overexpressed in certain cancers, and therefore has utility as a diagnostic tool. This would include the use of the claimed polypeptides to create diagnostic and therapeutic antibodies. This use is disclosed in the application, for example at page 88, lines 4-5 of the substitute

specification, and the techniques for the creation of antibodies are well known and routine in the art. Thus, at least one use of PRO539 polypeptides is adequately enabled, which is all that is required – "if any use is enabled when multiple uses are disclosed, the application is enabling for the claimed invention." M.P.E.P. 2164.01(c). In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the enablement rejection under 35 U.S.C. § 112, first paragraph.

CONCLUSION

In view of the above, Applicants respectfully maintain that claims are patentable and request that they be passed to issue. Applicants invite the Examiner to call the undersigned if any remaining issues may be resolved by telephone.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 6, 2004

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Botstein, et al.	)
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Appl. No.	:	Listed Below	)
			)
Filed	:	Listed Below	)
			)
For	:	SECRETED AND	)
		TRANSMEMBRANE	)
		POLYPETIDES AND	)
		NUCLEIC ACIDS ENCODING	)
		THE SAME	)
			)
Examiner	:	UNKNOWN	)

ASSOCIATE POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
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Dear Sir:

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Appl. No.   :   Listed Below
Filed   :   Listed Below

Appln. No.	Appln. Date	Docket No.
09/866034	5/25/2001	GNE.2930R1C1
10/033167	12/27/2001	GNE.2930R1C10
10/692072	10/22/2003	GNE.2930R1C10C1
10/213535	8/7/2002	GNE.2930R1C13
10/033244	12/27/2001	GNE.2930R1C2
10/032996	12/27/2001	GNE.2930R1C3
10/033396	12/27/2001	GNE.2930R1C4
10/033223	12/27/2001	GNE.2930R1C9

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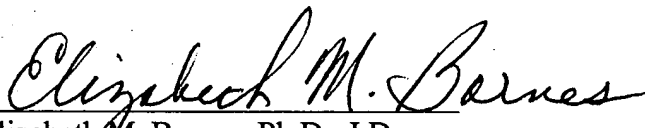
Respectfully submitted,

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Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-invasive and Invasive Human Transitional Cell Carcinomas*

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Gain and loss of chromosomal material is characteristic of bladder cancer, as well as malignant transformation in general. The consequences of these changes at both the transcription and translation levels is at present unknown partly because of technical limitations. Here we have attempted to address this question in pairs of non-invasive and invasive human bladder tumors using a combination of technology that included comparative genomic hybridization, high density oligonucleotide array-based monitoring of transcript levels (5600 genes), and high resolution two-dimensional gel electrophoresis. The results showed that there is a gene dosage effect that in some cases superimposes on other regulatory mechanisms. This effect depended ($p < 0.015$) on the magnitude of the comparative genomic hybridization change. In general (18 of 23 cases), chromosomal areas with more than 2-fold gain of DNA showed a corresponding increase in mRNA transcripts. Areas with loss of DNA, on the other hand, showed either reduced or unaltered transcript levels. Because most proteins resolved by two-dimensional gels are unknown it was only possible to compare mRNA and protein alterations in relatively few cases of well focused abundant proteins. With few exceptions we found a good correlation ($p < 0.005$) between transcript alterations and protein levels. The implications, as well as limitations, of the approach are discussed. *Molecular & Cellular Proteomics 1:37–45, 2002.*

Aneuploidy is a common feature of most human cancers (1), but little is known about the genome-wide effect of this phenomenon at both the transcription and translation levels. High throughput array studies of the breast cancer cell line BT474 has suggested that there is a correlation between DNA copy numbers and gene expression in highly amplified areas (2), and studies of individual genes in solid tumors have revealed a good correlation between gene dose and mRNA or protein levels in the case of c-erb-B2, *cyclin d1, ems1,* and N-myc (3–5). However, a high cyclin D1 protein expression has been observed without simultaneous amplification (4), and a low level of c-myc copy number increase was observed without concomitant c-myc protein overexpression (6).

In human bladder tumors, karyotyping, fluorescent *in situ* hybridization, and comparative genomic hybridization (CGH)[1] have revealed chromosomal aberrations that seem to be characteristic of certain stages of disease progression. In the case of non-invasive pTa transitional cell carcinomas (TCCs), this includes loss of chromosome 9 or parts of it, as well as loss of Y in males. In minimally invasive pT1 TCCs, the following alterations have been reported: 2q−, 11p−, 1q+, 11q13+, 17q+, and 20q+ (7–12). It has been suggested that these regions harbor tumor suppressor genes and oncogenes; however, the large chromosomal areas involved often contain many genes, making meaningful predictions of the functional consequences of losses and gains very difficult.

In this investigation we have combined genome-wide technology for detecting genomic gains and losses (CGH) with gene expression profiling techniques (microarrays and proteomics) to determine the effect of gene copy number on transcript and protein levels in pairs of non-invasive and invasive human bladder TCCs.

EXPERIMENTAL PROCEDURES

Material—Bladder tumor biopsies were sampled after informed consent was obtained and after removal of tissue for routine pathology examination. By light microscopy tumors 335 and 532 were staged by an experienced pathologist as pTa (superficial papillary),

[1] The abbreviations used are: CGH, comparative genomic hybridization; TCC, transitional cell carcinoma; LOH, loss of heterozygosity; PA-FABP, psoriasis-associated fatty acid-binding protein; 2D, two-dimensional.
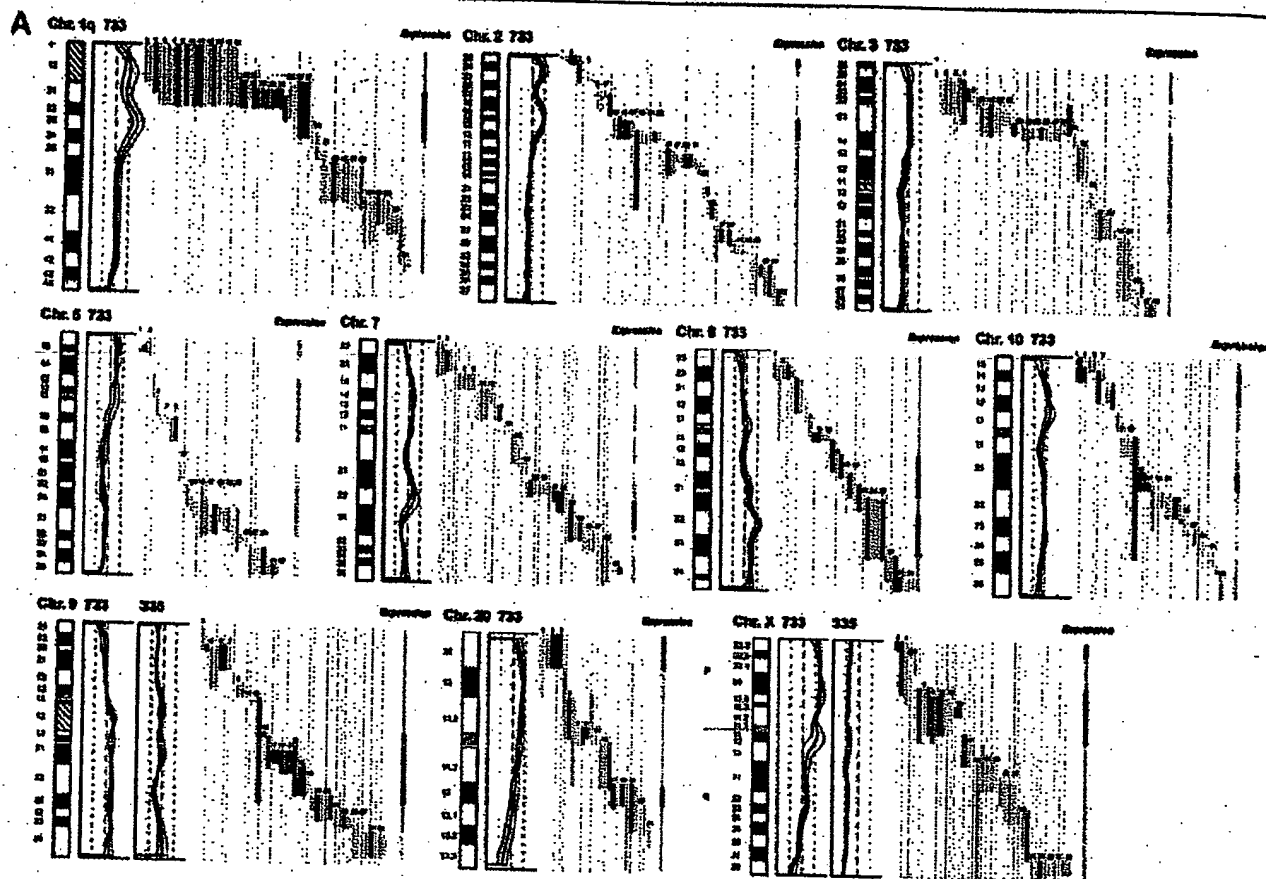
Fig. 1. DNA copy number and mRNA expression level. Shown from *left* to *right* are chromosome (*Chr.*), CGH profiles, gene location and expression level of specific genes, and overall expression level along the chromosome. *A*, expression of mRNA in invasive tumor 733 as compared with the non-invasive counterpart tumor 335. *B*, expression of mRNA in invasive tumor 827 compared with the non-invasive counterpart tumor 532. The average fluorescent signal ratio between tumor DNA and normal DNA is shown along the length of the chromosome (*left*). The *bold curve* in the ratio profile represents a mean of four chromosomes and is surrounded by *thin curves* indicating one standard deviation. The *central vertical line* (*broken*) indicates a ratio value of 1 (no change), and the *vertical lines* next to it (*dotted*) indicate a ratio of 0.5 (*left*) and 2.0 (*right*). In chromosomes where the non-invasive tumor 335 used for comparison showed alterations in DNA content, the ratio profile of that chromosome is shown to the *right* of the invasive tumor profile. The *colored bars* represents one gene each, identified by the running *numbers above* the *bars* (the name of the gene can be seen at www.MDL.DK/sdata.html). The *bars* indicate the purported location of the gene, and the *colors* indicate the expression level of the gene in the invasive tumor compared with the non-invasive counterpart; >2-fold increase (*black*), >2-fold decrease (*blue*), no significant change (*orange*). The *bar* to the *far right*, entitled *Expression* shows the resulting change in expression along the chromosome; the *colors* indicate that at least half of the genes were up-regulated (*black*), at least half of the genes down-regulated (*blue*), or more than half of the genes are unchanged (*orange*). If a gene was absent in one of the samples and present in another, it was regarded as more than a 2-fold change. A 2-fold level was chosen as this corresponded to one standard deviation in a double determination of ~1800 genes. Centromeres and heterochromatic regions were excluded from data analysis.

grade I and II, respectively, tumors 733 and 827 were staged as pT1 (invasive into submucosa), 733 was staged as solid, and 827 was staged as papillary, both grade III.

mRNA Preparation—Tissue biopsies, obtained fresh from surgery, were embedded immediately in a sodium-guanidinium thiocyanate solution and stored at −80 °C. Total RNA was isolated using the RNAzol B RNA isolation method (WAK-Chemie Medical GMBH). poly(A)+ RNA was isolated by an oligo(dT) selection step (Oligotex mRNA kit; Qiagen).

cRNA Preparation—1 μg of mRNA was used as starting material. The first and second strand cDNA synthesis was performed using the SuperScript® choice system (Invitrogen) according to the manufacturer's instructions but using an oligo(dT) primer containing a T7 RNA polymerase binding site. Labeled cRNA was prepared using the ME-GAscrip® *in vitro* transcription kit (Ambion). Biotin-labeled CTP and

UTP (Enzo) was used, together with unlabeled NTPs in the reaction. Following the *in vitro* transcription reaction, the unincorporated nucleotides were removed using RNeasy columns (Qiagen).

Array Hybridization and Scanning—Array hybridization and scanning was modified from a previous method (13). 10 μg of cRNA was fragmented at 94 °C for 35 min in buffer containing 40 mM Tris acetate, pH 8.1, 100 mM KOAc, 30 mM MgOAc. Prior to hybridization, the fragmented cRNA in a 6× SSPE-T hybridization buffer (1 M NaCl, 10 mM Tris, pH 7.6, 0.005% Triton), was heated to 95 °C for 5 min, subsequently cooled to 40 °C, and loaded onto the Affymetrix probe array cartridge. The probe array was then incubated for 16 h at 40 °C at constant rotation (60 rpm). The probe array was exposed to 10 washes in 6× SSPE-T at 25 °C followed by 4 washes in 0.5× SSPE-T at 50 °C. The biotinylated cRNA was stained with a streptavidin-phycoerythrin conjugate, 10 μg/ml (Molecular Probes) in 6× SSPE-T
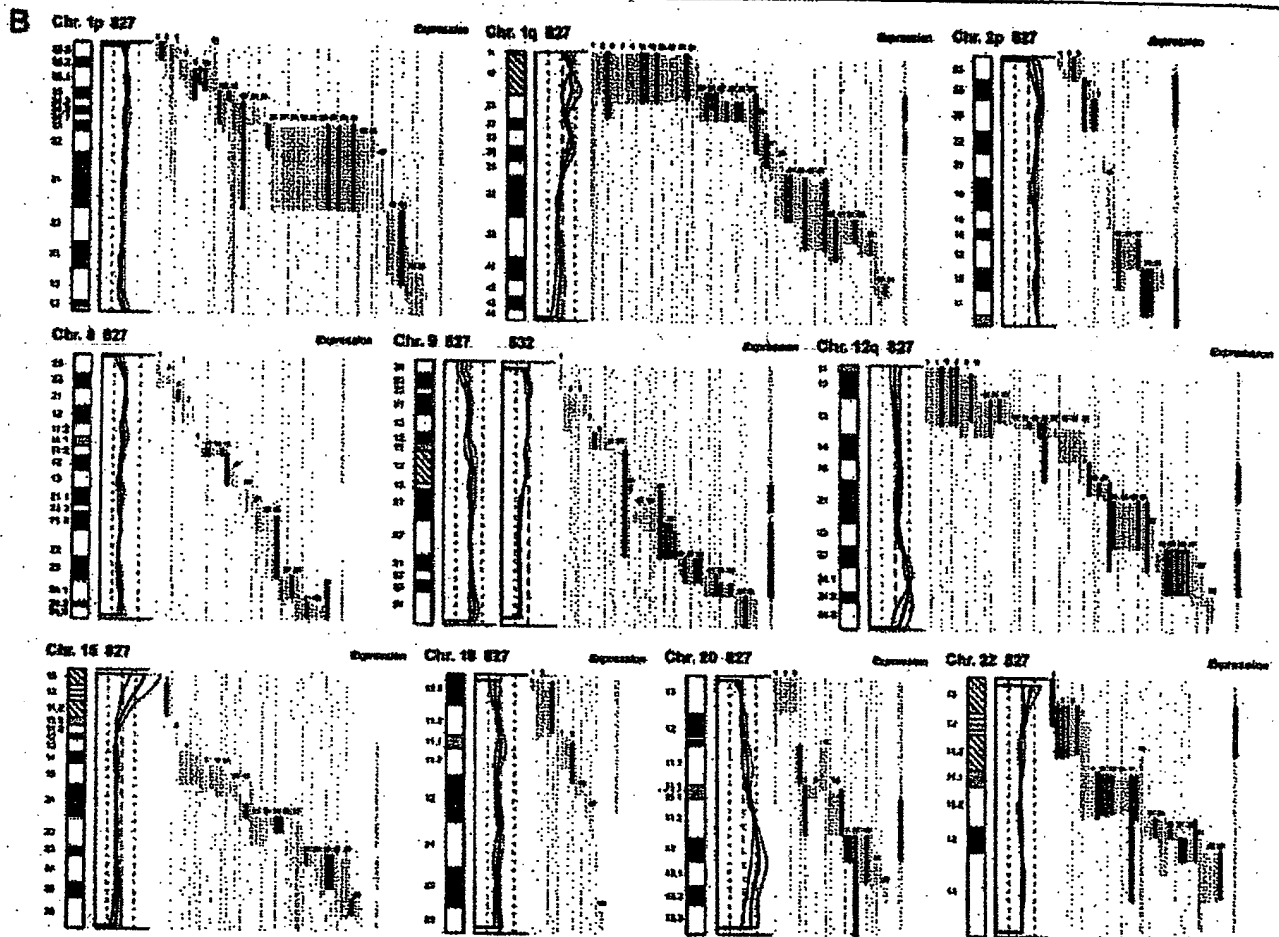
Fig. 1—continued

for 30 min at 25 °C followed by 10 washes in 6× SSPE-T at 25 °C. The probe arrays were scanned at 560 nm using a confocal laser scanning microscope (made for Affymetrix by Hewlett-Packard). The readings from the quantitative scanning were analyzed by Affymetrix gene expression analysis software.

Microsatellite Analysis—Microsatellite Analysis was performed as described previously (14). Microsatellites were selected by use of www.nobi.nlm.nih.gov/genemap98, and primer sequences were obtained from the genome data base at www.gdb.org. DNA was extracted from tumor and blood and amplified by PCR in a volume of 20 μl for 35 cycles. The amplicons were denatured and electrophoresed for 3 h in an ABI Prism 377. Data were collected in the Gene Scan program for fragment analysis. Loss of heterozygosity was defined as less than 33% of one allele detected in tumor amplicons compared with blood.

Proteomic Analysis—TCCs were minced into small pieces and homogenized in a small glass homogenizer in 0.5 ml of lysis solution. Samples were stored at −20 °C until use. The procedure for 2D gel electrophoresis has been described in detail elsewhere (15, 16). Gels were stained with silver nitrate and/or Coomassie Brilliant Blue. Proteins were identified by a combination of procedures that included microsequencing, mass spectrometry, two-dimensional gel Western immunoblotting, and comparison with the master two-dimensional gel image of human keratinocyte proteins; see biobase.dk/cgi-bin/cells.

CGH—Hybridization of differentially labeled tumor and normal DNA to normal metaphase chromosomes was performed as described previously (10). Fluorescein-labeled tumor DNA (200 ng), Texas Red-labeled reference DNA (200 ng), and human Cot-1 DNA (20 μg) were denatured at 37 °C for 5 min and applied to denatured normal metaphase slides. Hybridization was at 37 °C for 2 days. After washing, the slides were counterstained with 0.15 μg/ml 4,6-diamidino-2-phenylindole in an anti-fade solution. A second hybridization was performed for all tumor samples using fluorescein-labeled reference DNA and Texas Red-labeled tumor DNA (inverse labeling) to confirm the aberrations detected during the initial hybridization. Each CGH experiment also included a normal control hybridization using fluorescein- and Texas Red-labeled normal DNA. Digital image analysis was used to identify chromosomal regions with abnormal fluorescence ratios, indicating regions of DNA gains and losses. The average green:red fluorescence intensity ratio profiles were calculated using four images of each chromosome (eight chromosomes total) with normalization of the green:red fluorescence intensity ratio for the entire metaphase and background correction. Chromosome identification was performed based on 4,6-diamidino-2-phenylindole banding patterns. Only images showing uniform high intensity fluorescence with minimal background staining were analyzed. All centromeres, p arms of acrocentric chromosomes, and heterochromatic regions were excluded from the analysis.

RESULTS

Comparative Genomic Hybridization—The CGH analysis identified a number of chromosomal gains and losses in the

TABLE I

Correlation between alterations detected by CGH and by expression monitoring

Top, CGH used as independent variable (if CGH alteration — what expression ratio was found); bottom, altered expression used as independent variable (if expression alteration — what CGH deviation was found).

CGH alterations	Tumor 733 vs. 335	Concordance	CGH alterations	Tumor 827 vs. 532	Concordance
	Expression change clusters			Expression change clusters	
13 Gain	10 Up-regulation 0 Down-regulation 3 No change	77%	10 Gain	8 Up-regulation 0 Down-regulation 2 No change	80%
10 Loss	1 Up-regulation 5 Down-regulation 4 No change	50%	12 Loss	3 Up-regulation 2 Down regulation 7 No change	17%

Expression change clusters	Tumor 733 vs. 335	Concordance	Expression change clusters	Tumor 827 vs. 532	Concordance
	CGH alterations			CGH alterations	
16 Up-regulation	11 Gain 2 Loss 3 No change	69%	17 Up-regulation	10 Gain 5 Loss 2 No change	59%
21 Down-regulation	1 Gain 8 Loss 12 No change	38%	9 Down-regulation	0 Gain 3 Loss 6 No change	33%
15 No change	3 Gain 3 Loss 9 No change	60%	21 No change	1 Gain 3 Loss 17 No change	81%

two invasive tumors (stage pT1, TCCs 733 and 827), whereas the two non-invasive papillomas (stage pTa, TCCs 335 and 532) showed only 9p−, 9q22-q33−, and X−, and 7+, 9q−, and Y−, respectively. Both invasive tumors showed changes (1q22-24+, 2q14.1-qter−, 3q12-q13.3−, 6q12-q22−, 9q34+, 11q12-q13+, 17+, and 20q11.2-q12+) that are typical for their disease stage, as well as additional alterations, some of which are shown in Fig. 1. Areas with gains and losses deviated from the normal copy number to some extent, and the average numerical deviation from normal was 0.4-fold in the case of TCC 733 and 0.3-fold for TCC 827. The largest changes, amounting to at least a doubling of chromosomal content, were observed at 1q23 in TCC 733 (Fig. 1A) and 20q12 in TCC 827 (Fig. 1B).

mRNA Expression in Relation to DNA Copy Number—The mRNA levels from the two invasive tumors (TCCs 827 and 733) were compared with the two non-invasive counterparts (TCCs 532 and 335). This was done in two separate experiments in which we compared TCCs 733 to 335 and 827 to 532, respectively, using two different scaling settings for the arrays to rule out scaling as a confounding parameter. Approximately 1,800 genes that yielded a signal on the arrays were searched in the Unigene and Genemap data bases for chromosomal location, and those with a known location (1096) were plotted as bars covering their purported locus. In that way it was possible to construct a graphic presentation of DNA copy number and relative mRNA levels along the individual chromosomes (Fig. 1).

For each mRNA a ratio was calculated between the level in the invasive *versus* the non-invasive counterpart. Bars, which represent chromosomal location of a gene, were color-coded according to the expression ratio, and only differences larger

than 2-fold were regarded as informative (Fig. 1). The density of genes along the chromosomes varied, and areas containing only one gene were excluded from the calculations. The resolution of the CGH method is very low, and some of the outlier data may be because of the fact that the boundaries of the chromosomal aberrations are not known at high resolution.

Two sets of calculations were made from the data. For the first set we used CGH alterations as the independent variable and estimated the frequency of expression alterations in these chromosomal areas. In general, areas with a strong gain of chromosomal material contained a cluster of genes having increased mRNA expression. For example, both chromosomes 1q21-q25, 2p and 9q, showed a relative gain of more than 100% in DNA copy number that was accompanied by increased mRNA expression levels in the two tumor pairs (Fig. 1). In most cases, chromosomal gains detected by CGH were accompanied by an increased level of transcripts in both TCCs 733 (77%) and 827 (80%) (Table I, top). Chromosomal losses, on the other hand, were not accompanied by decreased expression in several cases, and were often registered as having unaltered RNA levels (Table I, top). The inability to detect RNA expression changes in these cases was not because of fewer genes mapping to the lost regions (data not shown).

In the second set of calculations we selected expression alterations above 2-fold as the independent variable and estimated the frequency of CGH alterations in these areas. As above, we found that increased transcript expression correlated with gain of chromosomal material (TCC 733, 69% and TCC 827, 59%), whereas reduced expression was often detected in areas with unaltered CGH ratios (Table I, bottom). Furthermore, as a control we looked at areas with no alter-
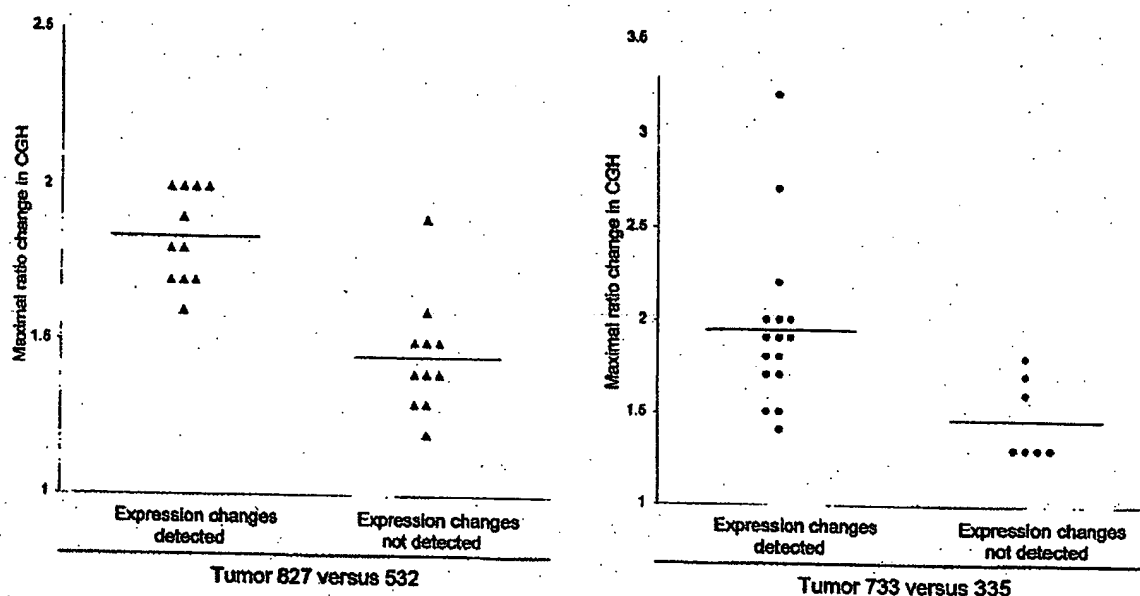
Fig. 2. Correlation between maximum CGH aberration and the ability to detect expression change by oligonucleotide array monitoring. The aberration is shown as a numerical -fold change in ratio between invasive tumors 827 (▲) and 733 (◆) and their non-invasive counterparts 532 and 335. The expression change was taken from the Expression line to the right in Fig. 1, which depicts the resulting expression change for a given chromosomal region. At least half of the mRNAs from a given region have to be either up- or down-regulated to be scored as an expression change. All chromosomal arms in which the CGH ratio plus or minus one standard deviation was outside the ratio value of one were included.

ation in expression. No alteration was detected by CGH in most of these areas (TCC 733, 60% and TCC 827, 81%; see Table I, bottom). Because the ability to observe reduced or increased mRNA expression clustering to a certain chromosomal area clearly reflected the extent of copy number changes, we plotted the maximum CGH aberrations in the regions showing CGH changes against the ability to detect a change in mRNA expression as monitored by the oligonucleotide arrays (Fig. 2). For both tumors TCC 733 ($p < 0.015$) and TCC 827 ($p < 0.00003$) a highly significant correlation was observed between the level of CGH ratio change (reflecting the DNA copy number) and alterations detected by the array based technology (Fig. 2). Similar data were obtained when areas with altered expression were used as independent variables. These areas correlated best with CGH when the CGH ratio deviated 1.6- to 2.0-fold (Table I, bottom) but mostly did not at lower CGH deviations. These data probably reflect that loss of an allele may only lead to a 50% reduction in expression level, which is at the cut-off point for detection of expression alterations. Gain of chromosomal material can occur to a much larger extent.

Microsatellite-based Detection of Minor Areas of Losses—In TCC 733, several chromosomal areas exhibiting DNA amplification were preceded or followed by areas with a normal CGH but reduced mRNA expression (see Fig. 1, TCC 733 chromosome 1q32, 2p21, and 7q21 and q32, 9q34, and 10q22). To determine whether these results were because of undetected loss of chromosomal material in these regions or

because of other non-structural mechanisms regulating transcription, we examined two microsatellites positioned at chromosome 1q25–32 and two at chromosome 2p22. Loss of heterozygosity (LOH) was found at both 1q25 and at 2p22 indicating that minor deleted areas were not detected with the resolution of CGH (Fig. 3). Additionally, chromosome 2p in TCC 733 showed a CGH pattern of gain/no change/gain of DNA that correlated with transcript increase/decrease/increase. Thus, for the areas showing increased expression there was a correlation with the DNA copy number alterations (Fig. 1A). As indicated above, the mRNA decrease observed in the middle of the chromosomal gain was because of LOH, implying that one of the mechanisms for mRNA down-regulation may be regions that have undergone smaller losses of chromosomal material. However, this cannot be detected with the resolution of the CGH method.

In both TCC 733 and TCC 827, the telomeric end of chromosome 11p showed a normal ratio in the CGH analysis; however, clusters of five and three genes, respectively, lost their expression. Two microsatellites (D11S1760, D11S922) positioned close to MUC2, IGF2, and cathepsin D indicated LOH as the most likely mechanism behind the loss of expression (data not shown).

A reduced expression of mRNA observed in TCC 733 at chromosomes 3q24, 11p11, 12p12.2, 12q21.1, and 16q24 and in TCC 827 at chromosome 11p15.5, 12p11, 15q11.2, and 18q12 was also examined for chromosomal losses using microsatellites positioned as close as possible to the gene loci
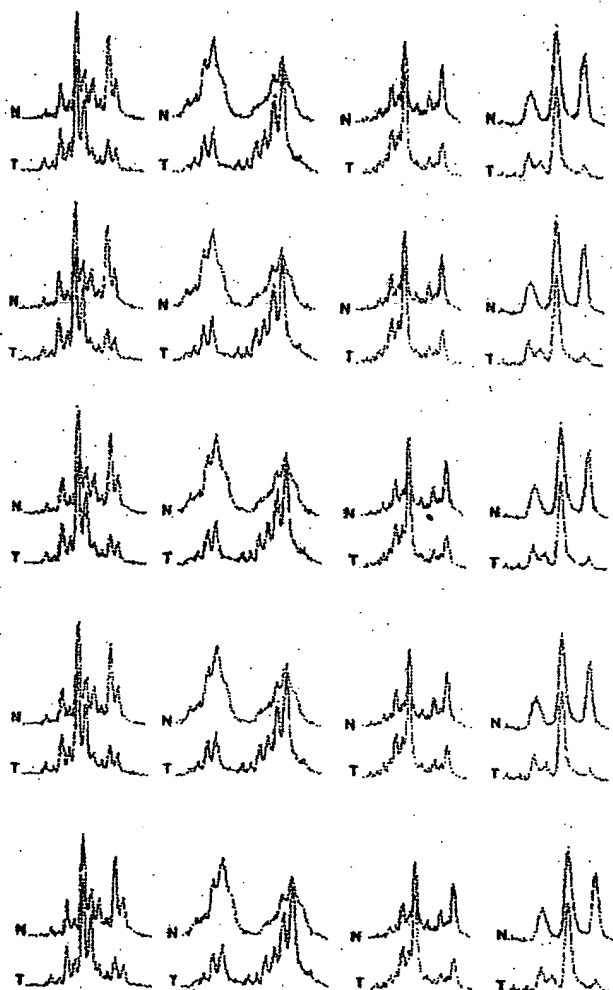
FIG. 3. Microsatellite analysis of loss of heterozygosity. Tumor 733 showing loss of heterozygosity at chromosome 1q25, detected (a) by D1S215 close to Hu class I histocompatibility antigen (gene number 38 in Fig. 1), (b) by D1S2735 close to cathepsin E (gene number 41 in Fig. 1), and (c) at chromosome 2p23 by D2S2251 close to general β-spectrin (gene number 11 on Fig. 1) and of (d) tumor 827 showing loss of heterozygosity at chromosome 18q12 by S18S1118 close to mitochondrial 3-oxoacyl-coenzyme A thiolase (gene number 12 in Fig. 1). The *upper curves* show the electropherogram obtained from normal DNA from leukocytes (*N*), and the *lower curves* show the electropherogram from tumor DNA (*T*). In all cases one allele is partially lost in the tumor amplicon.

showing reduced mRNA transcripts. Only the microsatellite positioned at 18q12 showed LOH (Fig. 3), suggesting that transcriptional down-regulation of genes in the other regions may be controlled by other mechanisms.

Relation between Changes in mRNA and Protein Levels— 2D-PAGE analysis, in combination with Coomassie Brilliant Blue and/or silver staining, was carried out on all four tumors using fresh biopsy material. 40 well resolved abundant known proteins migrating in areas away from the edges of the pH
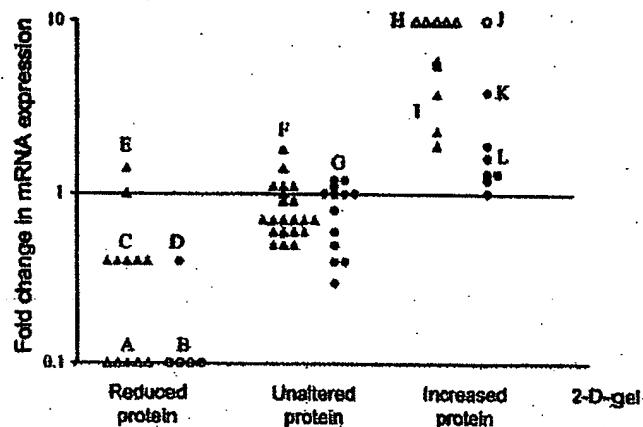

FIG. 4. Correlation between protein levels as judged by 2D-PAGE and transcript ratio. For comparison proteins were divided in three groups, unaltered in level or up- or down-regulated (*horizontal axis*). The mRNA ratio as determined by oligonucleotide arrays was plotted for each gene (*vertical axis*). ▲, mRNAs that were scored as present in both tumors used for the ratio calculation; △, mRNAs that were scored as absent in the invasive tumors (along *horizontal axis*) or as absent in non-invasive reference (*top* of figure). Two different scalings were used to exclude scaling as a confounder, TCCs 827 and 532 (▲△) were scaled with background suppression, and TCCs 733 and 335 (●○) were scaled without suppression. Both comparisons showed highly significant (*p* < 0.005) differences in mRNA ratios between the groups. Proteins shown were as follows: Group A (from *left*), phosphoglucomutase 1, glutathione transferase class μ number 4, fatty acid-binding protein homologue, cytokeratin 15, and cytokeratin 13; B (from *left*), fatty acid-binding protein homologue, 28-kDa heat shock protein, cytokeratin 13, and calcyclin; C (from *left*), α-enolase, hnRNP B1, 28-kDa heat shock protein, 14-3-3-ε, and pre-mRNA splicing factor; D, mesothelial keratin K7 (type II); E (from *top*), glutathione S-transferase-π and mesothelial keratin K7 (type II); F (from *top* and *left*), adenylyl cyclase-associated protein, E-cadherin, keratin 19, calgizzarin, phosphoglycerate mutase, annexin IV, cytoskeletal γ-actin, hnRNP A1, integral membrane protein calnexin (IP90), hnRNP H, brain-type clathrin light chain-a, hnRNP F, 70-kDa heat shock protein, heterogeneous nuclear ribonucleoprotein A/B, translationally controlled tumor protein, liver glyceraldehyde-3-phosphate dehydrogenase, keratin 8, aldehyde reductase, and Na,K-ATPase β-1 subunit; G, (from *top* and *left*), TCP20, calgizzarin, 70-kDa heat shock protein, calnexin, hnRNP H, cytokeratin 15, ATP synthase, keratin 19, triosephosphate isomerase, hnRNP F, liver glyceraldehyde-3-phosphatase dehydrogenase, glutathione S-transferase-π, and keratin 8; H (from *left*), plasma gelsolin, autoantigen calreticulin, thioredoxin, and NAD+-dependent 15 hydroxyprostaglandin dehydrogenase; I (from *top*), prolyl 4-hydroxylase β-subunit, cytokeratin 20, cytokeratin 17, prohibition, and fructose 1,6-biphosphatase; J annexin II; K, annexin IV; L (from *top* and *left*), 90-kDa heat shock protein, prolyl 4-hydroxylase β-subunit, α-enolase, GRP 78, cyclophilin, and cofilin.

gradient, and having a known chromosomal location, were selected for analysis in the TCC pair 827/532. Proteins were identified by a combination of methods (see "Experimental Procedures"). In general there was a highly significant correlation (*p* < 0.005) between mRNA and protein alterations (Fig. 4). Only one gene showed disagreement between transcript alteration and protein alteration. Except for a group of cyto-
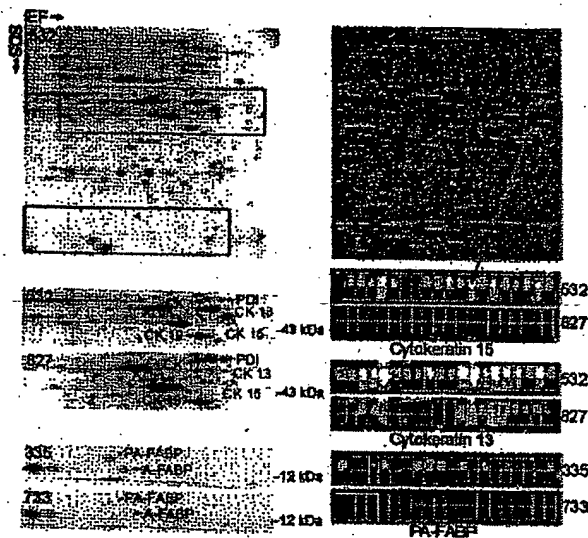
Fig. 5. Comparison of protein and transcript levels in invasive and non-invasive TCCs. The *upper part* of the figure shows a 2D gel (*left*) and the oligonucleotide array (*right*) of TCC 532. The *red rectangles* on the *upper gel* highlight the areas that are compared below. Identical areas of 2D gels of TCCs 532 and 827 are shown below. Clearly, cytokeratins 13 and 15 are strongly down-regulated in TCC 827 (*red annotation*). The tile on the array containing probes for cytokeratin 15 is enlarged *below* the array (*red arrow*) from TCC 532 and is compared with TCC 827. The *upper row* of *squares* in each tile corresponds to perfect match probes; the *lower row* corresponds to mismatch probes containing a mutation (used for correction for unspecific binding). Absence of signal is depicted as *black*, and the higher the signal the lighter the color. A high transcript level was detected in TCC 532 (6151 units) whereas a much lower level was detected in TCC 827 (absence of signals). For cytokeratin 13, a high transcript level was also present in TCC 532 (15659 units), and a much lower level was present in TCC 827 (623 units). The 2D gels at the *bottom* of the figure (*left*) show levels of PA-FABP and adipocyte-FABP in TCCs 335 and 733 (invasive). Both proteins are down-regulated in the invasive tumor. To the *right* we show the array tiles for the PA-FABP transcript. A medium transcript level was detected in the case of TCC 335 (1277 units) whereas very low levels were detected in TCC 733 (166 units). *IEF*, isoelectric focusing.

keratins encoded by genes on chromosome 17 (Fig. 5) the analyzed proteins did not belong to a particular family. 26 well focused proteins whose genes had a know chromosomal location were detected in TCCs 733 and 335, and of these 19 correlated ($p < 0.005$) with the mRNA changes detected using the arrays (Fig. 4). For example, PA-FABP was highly expressed in the non-invasive TCC 335 but lost in the invasive counterpart (TCC 733; see Fig. 5). The smaller number of proteins detected in both 733 and 335 was because of the smaller size of the biopsies that were available.

11 chromosomal regions where CGH showed aberrations that corresponded to the changes in transcript levels also showed corresponding changes in the protein level (Table II). These regions included genes that encode proteins that are found to be frequently altered in bladder cancer, namely cytokeratins 17 and 20, annexins II and IV, and the fatty acid-binding proteins PA-FABP and FBP1. Four of these proteins were encoded by genes in chromosome 17q, a frequently amplified chromosomal area in invasive bladder cancers.

DISCUSSION

Most human cancers have abnormal DNA content, having lost some chromosomal parts and gained others. The present study provides some evidence as to the effect of these gains and losses on gene expression in two pairs of non-invasive and invasive TCCs using high throughput expression arrays and proteomics, in combination with CGH. In general, the results showed that there is a clear individual regulation of the mRNA expression of single genes, which in some cases was superimposed by a DNA copy number effect. In most cases, genes located in chromosomal areas with gains often exhibited increased mRNA expression, whereas areas showing losses showed either no change or a reduced mRNA expression. The latter might be because of the fact that losses most often are restricted to loss of one allele, and the cut-off point for detection of expression alterations was a 2-fold change, thus being at the border of detection. In several cases, how-

TABLE II
Proteins whose expression level correlates with both mRNA and gene dose changes

Protein	Chromosomal location	Tumor TCC	CGH alteration	Transcript alteration[a]	Protein alteration
Annexin II	1q21	733	Gain	Abs to Pres[a]	Increase
Annexin IV	2p13	733	Gain	3.9-Fold up	Increase
Cytokeratin 17	17q12-q21	827	Gain	3.8-Fold up	Increase
Cytokeratin 20	17q21.1	827	Gain	5.6-Fold up	Increase
(PA-)FABP	8q21.2	827	Loss	10-Fold down	Decrease
FBP1	9q22	827	Gain	2.3-Fold up	Increase
Plasma gelsolin	9q31	827	Gain	Abs to Pres	Increase
Heat shock protein 28	15q12-q13	827	Loss	2.5-Fold up	Decrease
Prohibitin	17q21	827/733	Gain	3.7-/2.5-Fold up[b]	Increase
Prolyl-4-hydroxyl	17q25	827/733	Gain	5.7-/1.6-Fold up	Increase
hnRNPB1	7p15	827	Loss	2.5-Fold down	Decrease

[a] Abs, absent; Pres, present.
[b] In cases where the corresponding alterations were found in both TCCs 827 and 733 these are shown as 827/733.

ever, an increase or decrease in DNA copy number was associated with de novo occurrence or complete loss of transcript, respectively. Some of these transcripts could not be detected in the non-invasive tumor but were present at relatively high levels in areas with DNA amplifications in the invasive tumors (e.g. in TCC 733 transcript from cellular ligand of annexin II gene (chromosome 1q21) from absent to 2670 arbitrary units; in TCC 827 transcript from small proline-rich protein 1 gene (chromosome 1q12-q21.1) from absent to 1326 arbitrary units). It may be anticipated from these data that significant clustering of genes with an increased expression to a certain chromosomal area indicates an increased likelihood of gain of chromosomal material in this area.

Considering the many possible regulatory mechanisms acting at the level of transcription, it seems striking that the gene dose effects were so clearly detectable in gained areas. One hypothetical explanation may lie in the loss of controlled methylation in tumor cells (17–19). Thus, it may be possible that in chromosomes with increased DNA copy numbers two or more alleles could be demethylated simultaneously leading to a higher transcription level, whereas in chromosomes with losses the remaining allele could be partly methylated, turning off the process (20, 21). A recent report has documented a ploidy regulation of gene expression in yeast, but in this case all the genes were present in the same ratio (22), a situation that is not analogous to that of cancer cells, which show marked chromosomal aberrations, as well as gene dosage effects.

Several CGH studies of bladder cancer have shown that some chromosomal aberrations are common at certain stages of disease progression, often occurring in more than 1 of 3 tumors. In pTa tumors, these include 9p−, 9q−, 1q+, Y− (2, 6), and in pT1 tumors, 2q−, 11p−, 11q−, 1q+, 5p+, 8q+, 17q+, and 20q+ (2–4, 6, 7). The pTa tumors studied here showed similar aberrations such as 9p− and 9q22-q33− and 9q− and Y−, respectively. Likewise, the two minimal invasive pT1 tumors showed aberrations that are commonly seen at that stage, and TCC 827 had a remarkable resemblance to the commonly seen pattern of losses and gains, such as 1q22–24 amplification (seen in both tumors), 11q14-q22 loss, the latter often linked to 17 q+ (both tumors), and 1q+ and 9p−, often linked to 20q+ and 11 q13+ (both tumors) (7–9). These observations indicate that the pairs of tumors used in this study exhibit chromosomal changes observed in many tumors, and therefore the findings could be of general importance for bladder cancer.

Considering that the mapping resolution of CGH is of about 20 megabases it is only possible to get a crude picture of chromosomal instability using this technique. Occasionally, we observed reduced transcript levels close to or inside regions with increased copy numbers. Analysis of these regions by positioning heterozygous microsatellites as close as possible to the locus showing reduced gene expression revealed loss of heterozygosity in several cases. It seems likely that multiple and different events occur along each chromosomal arm and that the use of cDNA microarrays for analysis of DNA copy number changes will reach a resolution that can resolve these changes, as has recently been proposed (2). The outlier data were not more frequent at the boundaries of the CGH aberrations. At present we do not know the mechanism behind chromosomal aneuploidy and cannot predict whether chromosomal gains will be transcribed to a larger extent than the two native alleles. A mechanism as genetic imprinting has an impact on the expression level in normal cells and is often reduced in tumors. However, the relation between imprinting and gain of chromosomal material is not known.

We regard it as a strength of this investigation that we were able to compare invasive tumors to benign tumors rather than to normal urothelium, as the tumors studied were biologically very close and probably may represent successive steps in the progression of bladder cancer. Despite the limited amount of fresh tissue available it was possible to apply three different state of the art methods. The observed correlation between DNA copy number and mRNA expression is remarkable when one considers that different pieces of the tumor biopsies were used for the different sets of experiments. This indicate that bladder tumors are relatively homogenous, a notion recently supported by CGH and LOH data that showed a remarkable similarity even between tumors and distant metastasis (10, 23).

In the few cases analyzed, mRNA and protein levels showed a striking correspondence although in some cases we found discrepancies that may be attributed to translational regulation, post-translational processing, protein degradation, or a combination of these. Some transcripts belong to undertranslated mRNA pools, which are associated with few translationally inactive ribosomes; these pools, however, seem to be rare (24). Protein degradation, for example, may be very important in the case of polypeptides with a short half-life (e.g. signaling proteins). A poor correlation between mRNA and protein levels was found in liver cells as determined by arrays and 2D-PAGE (25), and a moderate correlation was recently reported by Ideker et al. (26) in yeast. Interestingly, our study revealed a much better correlation between gained chromosomal areas and increased mRNA levels than between loss of chromosomal areas and reduced mRNA levels. In general, the level of CGH change determined the ability to detect a change in transcript. One possible explanation could be that by losing one allele the change in mRNA level is not so dramatic as compared with gain of material, which can be rather unlimited and may lead to a severalfold increase in gene copy number resulting in a much higher impact on transcript level. The latter would be much easier to detect on the expression arrays as the cut-off point was placed at a 2-fold level so as not to be biased by noise on the array. Construction of arrays with a better signal to noise ratio may in the future allow detection of lesser than 2-fold alterations in transcript levels, a feature that may facilitate the analysis of the effect of loss of chromosomal areas on transcript levels.

In eleven cases we found a significant correlation between DNA copy number, mRNA expression, and protein level. Four of these proteins were encoded by genes located at a frequently amplified area in chromosome 17q. Whether DNA copy number is one of the mechanisms behind alteration of these eleven proteins is at present unknown and will have to be proved by other methods using a larger number of samples. One factor making such studies complicated is the large extent of protein modification that occurs after translation, requiring immunoidentification and/or mass spectrometry to correctly identify the proteins in the gels.

In conclusion, the results presented in this study exemplify the large body of knowledge that may be possible to gather in the future by combining state of the art techniques that follow the pathway from DNA to protein (26). Here, we used a traditional chromosomal CGH method, but in the future high resolution CGH based on microarrays with many thousand radiation hybrid-mapped genes will increase the resolution and information derived from these types of experiments (2). Combined with expression arrays analyzing transcripts derived from genes with known locations, and 2D gel analysis to obtain information at the post-translational level, a clearer and more developed understanding of the tumor genome will be forthcoming.

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Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer[1,2]

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ABSTRACT

Genetic changes underlie tumor progression and may lead to cancer-specific expression of critical genes. Over 1100 publications have described the use of comparative genomic hybridization (CGH) to analyze the pattern of copy number alterations in cancer, but very few of the genes affected are known. Here, we performed high-resolution CGH analysis on cDNA microarrays in breast cancer and directly compared copy number and mRNA expression levels of 13,824 genes to quantitate the impact of genomic changes on gene expression. We identified and mapped the boundaries of 24 independent amplicons, ranging in size from 0.2 to 12 Mb. Throughout the genome, both high- and low-level copy number changes had a substantial impact on gene expression, with 44% of the highly amplified genes showing overexpression and 10.5% of the highly overexpressed genes being amplified. Statistical analysis with random permutation tests identified 270 genes whose expression levels across 14 samples were systematically attributable to gene amplification. These included most previously described amplified genes in breast cancer and many novel targets for genomic alterations, including the *HOXB7* gene, the presence of which in a novel amplicon at 17q21.3 was validated in 10.2% of primary breast cancers and associated with poor patient prognosis. In conclusion, CGH on cDNA microarrays revealed hundreds of novel genes whose overexpression is attributable to gene amplification. These genes may provide insights to the clonal evolution and progression of breast cancer and highlight promising therapeutic targets.

INTRODUCTION

Gene expression patterns revealed by cDNA microarrays have facilitated classification of cancers into biologically distinct categories, some of which may explain the clinical behavior of the tumors (1–6). Despite this progress in diagnostic classification, the molecular mechanisms underlying gene expression patterns in cancer have remained elusive, and the utility of gene expression profiling in the identification of specific therapeutic targets remains limited.

Accumulation of genetic defects is thought to underlie the clonal evolution of cancer. Identification of the genes that mediate the effects of genetic changes may be important by highlighting transcripts that are actively involved in tumor progression. Such transcripts and their encoded proteins would be ideal targets for anticancer therapies, as demonstrated by the clinical success of new therapies against amplified oncogenes, such as *ERBB2* and *EGFR* (7, 8), in breast cancer and other solid tumors. Besides amplifications of known oncogenes, over
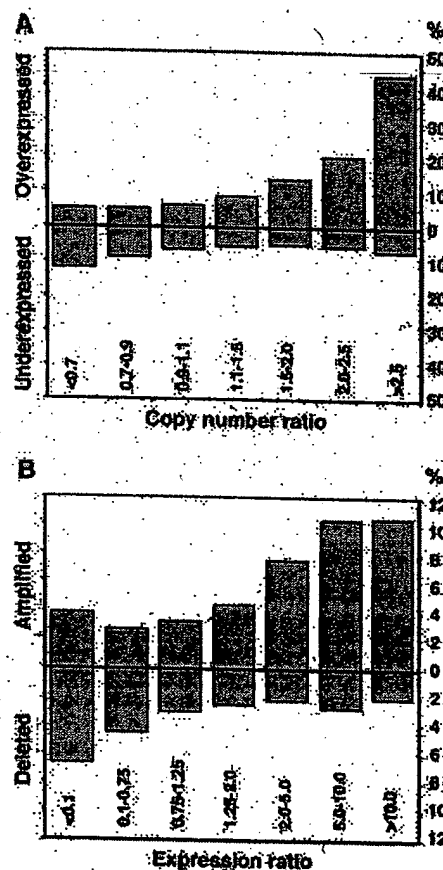

Fig. 1. Impact of gene copy number on global gene expression levels. *A*, percentage of over- and underexpressed genes (*Y axis*) according to copy number ratios (*X axis*). Threshold values used for over- and underexpression were >2.184 (global upper 7% of the cDNA ratios) and <0.4826 (global lower 7% of the expression ratios). *B*, percentage of amplified and deleted genes according to expression ratios. Threshold values for amplification and deletion were >1.5 and <0.7.

20 recurrent regions of DNA amplification have been mapped in breast cancer by CGH[5] (9, 10). However, these amplicons are often large and poorly defined, and their impact on gene expression remains unknown.

We hypothesized that genome-wide identification of those gene expression changes that are attributable to underlying gene copy number alterations would highlight transcripts that are actively involved in the causation or maintenance of the malignant phenotype. To identify such transcripts, we applied a combination of cDNA and CGH microarrays to: (*a*) determine the global impact that gene copy number variation plays in breast cancer development and progression; and (*b*) identify and characterize those genes whose mRNA expres-
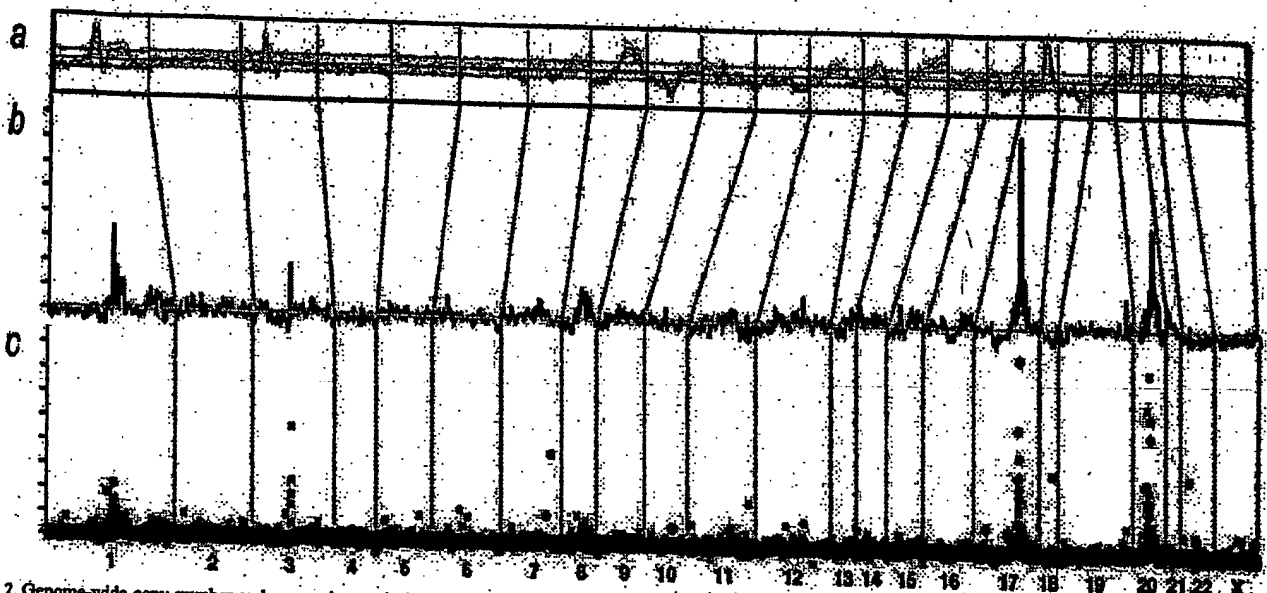
Fig. 2. Genome-wide copy number and expression analysis in the MCF-7 breast cancer cell line. *A*, chromosomal CGH analysis of MCF-7. The copy number ratio profile (*blue line*) across the entire genome from 1p telomere to Xq telomere is shown along with ±1 SD (*orange lines*). The *black horizontal line* indicates a ratio of 1.0; *red line*, a ratio of 1.2. *B–C*, genome-wide copy number analysis in MCF-7 by CGH on cDNA microarray. The copy number ratios were plotted as a function of the position of the cDNA clones along the human genome. In *B*, individual data points are connected with a line, and a moving median of 10 adjacent clones is shown. *Red horizontal line*, the copy number ratio of 1.0. In *C*, individual data points are labeled by color coding according to cDNA expression ratios. The *bright red dots* indicate the upper 2%, and *dark red dots*, the next 5% of the expression ratios in MCF-7 cells (overexpressed genes); *bright green dots* indicate the lowest 2%, and *dark green dots*, the next 5% of the expression ratios (underexpressed genes); the rest of the observations are shown with *black crosses*. The chromosome numbers are shown at the *bottom* of the figure, and chromosome boundaries are indicated with a *dashed line*.

sion is most significantly associated with amplification of the corresponding genomic template.

MATERIALS AND METHODS

Breast Cancer Cell Lines. Fourteen breast cancer cell lines (BT-20, BT-474, HCC1428, Hs578t, MCF7, MDA-361, MDA-436, MDA-453, MDA-468, SKBR-3, T-47D, UACC812, ZR-75-1, and ZR-75-30) were obtained from the American Type Culture Collection (Manassas, VA). Cells were grown under recommended culture conditions. Genomic DNA and mRNA were isolated using standard protocols.

Copy Number and Expression Analyses by cDNA Microarrays. The preparation and printing of the 13,824 cDNA clones on glass slides were performed as described (11–13). Of these clones, 244 represented uncharacterized expressed sequence tags, and the remainder corresponded to known genes. CGH experiments on cDNA microarrays were done as described (14, 15). Briefly, 20 μg of genomic DNA from breast cancer cell lines and normal human WBCs were digested for 14–18 h with *AluI* and *RsaI* (Life Technologies, Inc., Rockville, MD) and purified by phenol/chloroform extraction. Six μg of digested cell line DNAs were labeled with Cy3-dUTP (Amersham Pharmacia) and normal DNA with Cy5-dUTP (Amersham Pharmacia) using the Bioprime Labeling kit (Life Technologies, Inc.). Hybridization (14, 15) and posthybridization washes (13) were done as described. For the expression analyses, a standard reference (Universal Human Reference RNA; Stratagene, La Jolla, CA) was used in all experiments. Forty μg of reference RNA were labeled with Cy3-dUTP and 3.5 μg of test mRNA with Cy5-dUTP, and the labeled cDNAs were hybridized on microarrays as described (13, 15). For both microarray analyses, a laser confocal scanner (Agilent Technologies, Palo Alto, CA) was used to measure the fluorescence intensities at the target locations using the DEARRAY software (16). After background subtraction, average intensities at each clone in the test hybridization were divided by the average intensity of the corresponding clone in the control hybridization. For the copy number analysis, the ratios were normalized on the basis of the distribution of ratios of all targets on the array and for the expression analysis on the basis of 88 housekeeping genes, which were spotted four times onto the array. Low quality measurements (*i.e.*, copy number data with mean reference intensity <100 fluorescent units, and expression data with both test and reference intensity <100 fluorescent units and/or with spot size <50 units)

were excluded from the analysis and were treated as missing values. The distributions of fluorescence ratios were used to define cutpoints for increased/decreased copy number. Genes with CGH ratio >1.43 (representing the upper 5% of the CGH ratios across all experiments) were considered to be amplified, and genes with ratio <0.73 (representing the lower 5%) were considered to be deleted.

Statistical Analysis of CGH and cDNA Microarray Data. To evaluate the influence of copy number alterations on gene expression, we applied the following statistical approach. CGH and cDNA calibrated intensity ratios were log-transformed and normalized using median centering of the values in each cell line. Furthermore, cDNA ratios for each gene across all 14 cell lines were median centered. For each gene, the CGH data were represented by a vector that was labeled 1 for amplification (ratio, >1.43) and 0 for no amplification. Amplification was correlated with gene expression using the signal-to-noise statistics (1). We calculated a weight, w_g, for each gene as follows:

$$w_g = \frac{m_{g1} - m_{g0}}{\sigma_{g1} + \sigma_{g0}}$$

where m_{g1}, σ_{g1} and m_{g0}, σ_{g0} denote the means and SDs for the expression levels for amplified and nonamplified cell lines, respectively. To assess the statistical significance of each weight, we performed 10,000 random permutations of the label vector. The probability that a gene had a larger or equal weight by random permutation than the original weight was denoted by α. A low α (<0.05) indicates a strong association between gene expression and amplification.

Genomic Localization of cDNA Clones and Amplicon Mapping. Each cDNA clone on the microarray was assigned to a Unigene cluster using the Unigene Build 141.[6] A database of genomic sequence alignment information for mRNA sequences was created from the August 2001 freeze of the University of California Santa Cruz's GoldenPath database.[7] The chromosome and bp positions for each cDNA clone were then retrieved by relating these data sets. Amplicons were defined as a CGH copy number ratio >2.0 in at least two adjacent clones in two or more cell lines or a CGH ratio >2.0 in at least three adjacent clones in a single cell line. The amplicon start and end positions were

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[6] Internet address: http://research.nhgri.nih.gov/microarray/downloadable_cdna.html.
[7] Internet address: www.genome.ucsc.edu.

Table 1 *Summary of independent amplicons in 14 breast cancer cell lines by CGH microarray*

Location	Start (Mb)	End (Mb)	Size (Mb)
1p13	132.79	132.94	0.2
1q21	173.92	177.25	3.3
1q22	179.28	179.57	0.3
3p14	71.94	74.66	2.7
7p12.1–7p11.2	55.62	60.95	5.3
7q31	125.73	130.96	5.2
7q32	140.01	140.68	0.7
8q21.11–8q21.13	86.45	92.46	6.0
8q21.3	98.45	103.05	4.6
8q23.3–8q24.14	129.88	142.15	12.3
8q24.22	151.21	152.16	1.0
9p13	38.65	39.25	0.6
13q22–q31	77.15	81.38	4.2
16q22	86.70	87.62	0.9
17q11	29.30	30.85	1.6
17q12–q21.2	39.79	42.80	3.0
17q21.32–q21.33	52.47	55.80	3.3
17q22–q23.3	63.81	69.70	5.9
17q23.3–q24.3	69.93	74.99	5.1
19q13	40.63	41.40	0.8
20q11.22	34.59	35.85	1.3
20q13.12	44.00	45.62	1.6
20q13.12–q13.13	46.45	49.43	3.0
20q13.2–q13.32	51.32	59.12	7.8

extended to include neighboring nonamplified clones (ratio, <1.5). The amplicon size determination was partially dependent on local clone density.

FISH. Dual-color interphase FISH to breast cancer cell lines was done as described (17). Bacterial artificial chromosome clone RP11-361K8 was labeled with SpectrumOrange (Vysis, Downers Grove, IL), and Spectrum-Orange-labeled probe for *EGFR* was obtained from Vysis. SpectrumGreen-labeled chromosome 7 and 17 centromere probes (Vysis) were used as a reference. A tissue microarray containing 612 formalin-fixed, paraffin-embedded primary breast cancers (17) was applied in FISH analyses as described (18). The use of these specimens was approved by the Ethics Committee of the University of Basel and by the NIH. Specimens containing a 2-fold or higher increase in the number of test probe signals, as compared with corresponding centromere signals, in at least 10% of the tumor cells were considered to be amplified. Survival analysis was performed using the Kaplan-Meier method and the log-rank test.

RT-PCR. The *HOXB7* expression level was determined relative to *GAPDH*. Reverse transcription and PCR amplification were performed using Access RT-PCR System (Promega Corp., Madison, WI) with 10 ng of mRNA as a template. *HOXB7* primers were 5'-GAGCAGAGGGACTCGGACTT-3' and 5'-GCGTCAGGTAGCGATTGTAG-3'.

RESULTS

Global Effect of Copy Number on Gene Expression. 13,824 arrayed cDNA clones were applied for analysis of gene expression and gene copy number (CGH microarrays) in 14 breast cancer cell lines. The results illustrate a considerable influence of copy number on gene expression patterns. Up to 44% of the highly amplified transcripts (CGH ratio, >2.5) were overexpressed (*i.e.*, belonged to the global upper 7% of expression ratios), compared with only 6% for genes with normal copy number levels (Fig. 1A). Conversely, 10.5% of the transcripts with high-level expression (cDNA ratio, >10) showed increased copy number (Fig. 1B). Low-level copy number increases and decreases were also associated with similar, although less dramatic, outcomes on gene expression (Fig. 1).

Identification of Distinct Breast Cancer Amplicons. Base-pair locations obtained for 11,994 cDNAs (86.8%) were used to plot copy number changes as a function of genomic position (Fig. 2, Supplement Fig. A). The average spacing of clones throughout the genome was 267 kb. This high-resolution mapping identified 24 independent breast cancer amplicons, spanning from 0.2 to 12 Mb of DNA (Table 1). Several amplification sites detected previously by chromosomal

CGH were validated, with 1q21, 17q12–q21.2, 17q22–q23, 20q13.1, and 20q13.2 regions being most commonly amplified. Furthermore, the boundaries of these amplicons were precisely delineated. In addition, novel amplicons were identified at 9p13 (38.65–39.25 Mb), and 17q21.3 (52.47–55.80 Mb).

Direct Identification of Putative Amplification Target Genes. The cDNA/CGH microarray technique enables the direct correlation of copy number and expression data on a gene-by-gene basis throughout the genome. We directly annotated high-resolution CGH plots with gene expression data using color coding. Fig. 2C shows that most of the amplified genes in the MCF-7 breast cancer cell line at 1p13, 17q22–q23, and 20q13 were highly overexpressed. A view of chromosome 7 in the MDA-468 cell line implicates *EGFR* as the most highly overexpressed and amplified gene at 7p11–p12 (Fig. 3A). In BT-474, the two known amplicons at 17q12 and 17q22–q23 contained numerous highly overexpressed genes (Fig. 3B). In addition, several genes, including the homeobox genes *HOXB2* and *HOXB7*, were highly amplified in a previously undescribed independent amplicon at 17q21.3. *HOXB7* was systematically amplified (as validated by FISH, Fig. 3B, *inset*) as well as overexpressed (as verified by RT-PCR, data not shown) in BT-474, UACC812, and ZR-75-30 cells. Furthermore, this novel
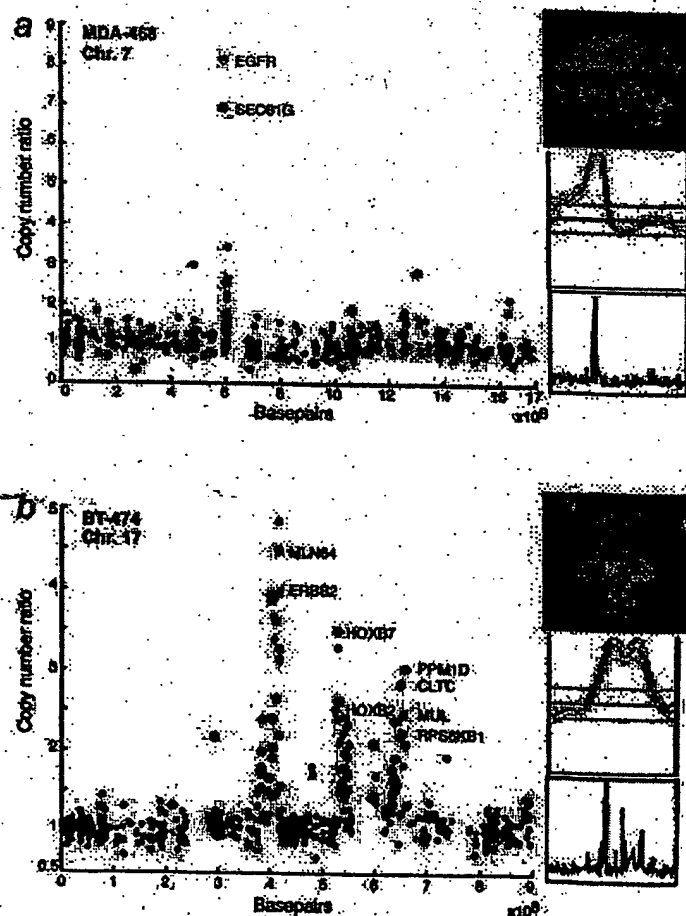

Fig. 3. Annotation of gene expression data on CGH microarray profiles. *A*, genes in the 7p11–p12 amplicon in the MDA-468 cell line are highly expressed (*red dots*) and include the *EGFR* oncogene. *B*, several genes in the 17q12, 17q21.3, and 17q23 amplicons in the BT-474 breast cancer cell line are highly overexpressed (*red*) and include the *HOXB7* gene. The data labels and color coding are as indicated for Fig. 2C. *Insets* show chromosomal CGH profiles for the corresponding chromosomes and validation of the increased copy number by interphase FISH using *EGFR* (*red*) and chromosome 7 centromere probe (*green*) to MDA-468 (*A*) and *HOXB7*-specific probe (*red*) and chromosome 17 centromere (*green*) to BT-474 cells (*B*).

GENE EXPRESSION PATTERNS IN BREAST CANCER

level copy number increase. Low-level copy number gains and losses also had a significant influence on expression levels of genes in the regions affected, but these effects were more subtle on a gene-by-gene basis than those of high-level amplifications. However, the impact of low-level gains on the dysregulation of gene expression patterns in cancer may be equally important if not more important than that of high-level amplifications. Aneuploidy and low-level gains and losses of chromosomal arms represent the most common types of genetic alterations in breast and other cancers and, therefore, have an influence on many genes. Our results in breast cancer extend the recent studies on the impact of aneuploidy on global gene expression patterns in yeast cells, acute myeloid leukemia, and a prostate cancer model system (22–24).

The CGH microarray analysis identified 24 independent breast cancer amplicons. We defined the precise boundaries for many amplicons detected previously by chromosomal CGH (9, 10, 25, 26) and also discovered novel amplicons that had not been detected previously, presumably because of their small size (only 1–2 Mb) or close proximity to other larger amplicons. One of these novel amplicons involved the homeobox gene region at 17q21.3 and led to the overexpression of the HOXB7 and HOXB2 genes. The homeodomain transcription factors are known to be key regulators of embryonic development and have been occasionally reported to undergo aberrant expression in cancer (27, 28). HOXB7 transfection induced cell proliferation in melanoma, breast, and ovarian cancer cells and increased tumorigenicity and angiogenesis in breast cancer (29–32). The present results imply that gene amplification may be a prominent mechanism for overexpressing HOXB7 in breast cancer and suggest that HOXB7 contributes to tumor progression and confers an aggressive disease phenotype in breast cancer. This view is supported by our finding of amplification of HOXB7 in 10% of 363 primary breast cancers, as well as an association of amplification with poor prognosis of the patients.

We carried out a systematic search to identify genes whose expression levels across all 14 cell lines were attributable to amplification status. Statistical analysis revealed 270 such genes (representing ~2% of all genes on the array), including not only previously described amplified genes, such as HER-2, MYC, EGFR, ribosomal protein s6 kinase, and AIB3, but also numerous novel genes such as NRAS-related gene (1p13), syndecan-2 (8q22), and bone morphogenic protein (20q13.1), whose activation by amplification may similarly promote breast cancer progression. Most of the 270 genes have not been implicated previously in breast cancer development and suggest novel pathogenetic mechanisms. Although we would not expect all of them to be causally involved, it is intriguing that 84% of the genes with associated functional information were implicated in apoptosis, cell proliferation, signal transduction, transcription, or other cellular processes that could directly imply a possible role in cancer progression. Therefore, a detailed characterization of these genes may provide biological insights to breast cancer progression and might lead to the development of novel therapeutic strategies.

In summary, we demonstrate application of cDNA microarrays to the analysis of both copy number and expression levels of over 12,000 transcripts throughout the breast cancer genome, roughly once every 267 kb. This analysis provided: (a) evidence of a prominent global influence of copy number changes on gene expression levels; (b) a high-resolution map of 24 independent amplicons in breast cancer; and (c) identification of a set of 270 genes, the overexpression of which was statistically attributable to gene amplification. Characterization of a novel amplicon at 17q21.3 implicated amplification and overexpression of the HOXB7 gene in breast cancer, including a clinical association between HOXB7 amplification and poor patient prognosis. Overall, our results illustrate how the identification of genes activated by gene amplification provides a powerful approach to highlight genes with an important role in cancer as well as to prioritize and validate putative targets for therapy development.

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Microarray analysis reveals a major direct role of DNA copy number alteration in the transcriptional program of human breast tumors

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Genomic DNA copy number alterations are key genetic events in the development and progression of human cancers. Here we report a genome-wide microarray comparative genomic hybridization (array CGH) analysis of DNA copy number variation in a series of primary human breast tumors. We have profiled DNA copy number alteration across 6,691 mapped human genes, in 44 predominantly advanced, primary breast tumors and 10 breast cancer cell lines. While the overall patterns of DNA amplification and deletion corroborate previous cytogenetic studies, the high-resolution (gene-by-gene) mapping of amplicon boundaries and the quantitative analysis of amplicon shape provide significant improvement in the localization of candidate oncogenes. Parallel microarray measurements of mRNA levels reveal the remarkable degree to which variation in gene copy number contributes to variation in gene expression in tumor cells. Specifically, we find that 62% of highly amplified genes show moderately or highly elevated expression, that DNA copy number influences gene expression across a wide range of DNA copy number alterations (deletion, low-, mid- and high-level amplification), that on average, a 2-fold change in DNA copy number is associated with a corresponding 1.5-fold change in mRNA levels, and that overall, at least 12% of all the variation in gene expression among the breast tumors is directly attributable to underlying variation in gene copy number. These findings provide evidence that widespread DNA copy number alteration can lead directly to global deregulation of gene expression, which may contribute to the development or progression of cancer.

Conventional cytogenetic techniques, including comparative genomic hybridization (CGH) (1), have led to the identification of a number of recurrent regions of DNA copy number alteration in breast cancer cell lines and tumors (2–4). While some of these regions contain known or candidate oncogenes [e.g., FGFR1 (8p11), MYC (8q24), CCND1 (11q13), ERBB2 (17q12), and ZNF217 (20q13)] and tumor suppressor genes [RB1 (13q14) and TP53 (17p13)], the relevant gene(s) within other regions (e.g., gain of 1q, 8q22, and 17q22–24, and loss of 8p) remain to be identified. A high-resolution genome-wide map, delineating the boundaries of DNA copy number alterations in tumors, should facilitate the localization and identification of oncogenes and tumor suppressor genes in breast cancer. In this study, we have created such a map, using array-based CGH (5–7) to profile DNA copy number alteration in a series of breast cancer cell lines and primary tumors.

An unresolved question is the extent to which the widespread DNA copy number changes that we and others have identified in breast tumors alter expression of genes within involved regions. Because we had measured mRNA levels in parallel in the same samples (8), using the same DNA microarrays, we had an opportunity to explore on a genomic scale the relationship between DNA copy number changes and gene expression. From

this analysis, we have identified a significant impact of widespread DNA copy number alteration on the transcriptional programs of breast tumors.

Materials and Methods

Tumors and Cell Lines. Primary breast tumors were predominantly large (>3 cm), intermediate-grade, infiltrating ductal carcinomas, with more than 50% being lymph node positive. The fraction of tumor cells within specimens averaged at least 50%. Details of individual tumors have been published (8, 9), and are summarized in Table 1, which is published as supporting information on the PNAS web site, www.pnas.org. Breast cancer cell lines were obtained from the American Type Culture Collection. Genomic DNA was isolated either using Qiagen genomic DNA columns, or by phenol/chloroform extraction followed by ethanol precipitation.
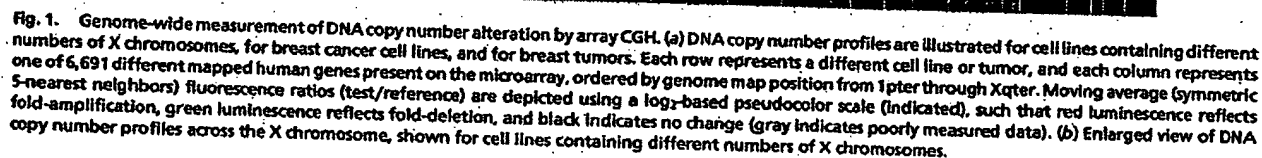
DNA Labeling and Microarray Hybridizations. Genomic DNA labeling and hybridizations were performed essentially as described in Pollack et al. (7), with slight modifications. Two micrograms of DNA was labeled in a total volume of 50 microliters and the volumes of all reagents were adjusted accordingly. "Test" DNA (from tumors and cell lines) was fluorescently labeled (Cy5) and hybridized to a human cDNA microarray containing 6,691 different mapped human genes (i.e., UniGene clusters). The "reference" (labeled with Cy3) for each hybridization was normal female leukocyte DNA from a single donor. The fabrication of cDNA microarrays and the labeling and hybridization of mRNA samples have been described (8).

Data Analysis and Map Positions. Hybridized arrays were scanned on a GenePix scanner (Axon Instruments, Foster City, CA), and fluorescence ratios (test/reference) calculated using SCANALYZE software (available at http://rana.lbl.gov). Fluorescence ratios were normalized for each array by setting the average log fluorescence ratio for all array elements equal to 0. Measurements with fluorescence intensities more than 20% above background were considered reliable. DNA copy number profiles that deviated significantly from background ratios measured in normal genomic DNA control hybridizations were interpreted as evidence of real DNA copy number alteration (see *Estimating Significance of Altered Fluorescence Ratios* in the supporting information). When indicated, DNA copy number profiles are displayed as a moving average (symmetric 5-nearest neighbors). Map positions for arrayed human cDNAs were assigned by

Fig. 1. Genome-wide measurement of DNA copy number alteration by array CGH. (a) DNA copy number profiles are illustrated for cell lines containing different numbers of X chromosomes, for breast cancer cell lines, and for breast tumors. Each row represents a different cell line or tumor, and each column represents one of 6,691 different mapped human genes present on the microarray, ordered by genome map position from 1pter through Xqter. Moving average (symmetric 5-nearest neighbors) fluorescence ratios (test/reference) are depicted using a $\log_2$-based pseudocolor scale (indicated), such that red luminescence reflects fold-amplification, green luminescence reflects fold-deletion, and black indicates no change (gray indicates poorly measured data). (b) Enlarged view of DNA copy number profiles across the X chromosome, shown for cell lines containing different numbers of X chromosomes.

identifying the starting position of the best and longest match of any DNA sequence represented in the corresponding UniGene cluster (10) against the "Golden Path" genome assembly (http://genome.ucsc.edu/; Oct 7, 2000 Freeze). For UniGene clusters represented by multiple arrayed elements, mean fluorescence ratios (for all elements representing the same UniGene cluster) are reported. For mRNA measurements, fluorescence ratios are "mean-centered" (i.e., reported relative to the mean ratio across the 44 tumor samples). The data set described here can be accessed in its entirety in the supporting information.

Results

We performed CGH on 44 predominantly locally advanced, primary breast tumors and 10 breast cancer cell lines, using cDNA microarrays containing 6,691 different mapped human genes (Fig. 1a; also see Materials and Methods for details of microarray hybridizations). To take full advantage of the improved spatial resolution of array CGH, we ordered (fluorescence ratios for) the 6,691 cDNAs according to the "Golden Path" (http://genome.ucsc.edu/) genome assembly of the draft human genome sequences (11). In so doing, arrayed cDNAs not only themselves represent genes of potential interest (e.g., candidate oncogenes within amplicons), but also provide precise genetic landmarks for chromosomal regions of amplification and

deletion. Parallel analysis of DNA from cell lines containing different numbers of X chromosomes (Fig. 1b), as we did before (7), demonstrated the sensitivity of our method to detect single-copy loss (45, XO), and 1.5- (47,XXX), 2- (48,XXXX), or 2.5-fold (49,XXXXX) gains (also see Fig. 5, which is published as supporting information on the PNAS web site). Fluorescence ratios were linearly proportional to copy number ratios, which were slightly underestimated, in agreement with previous observations (7). Numerous DNA copy number alterations were evident in both the breast cancer cell lines and primary tumors (Fig. 1a), detected in the tumors despite the presence of euploid non-tumor cell types; the magnitudes of the observed changes were generally lower in the tumor samples. DNA copy-number alterations were found in every cancer cell line and tumor, and on every human chromosome in at least one sample. Recurrent regions of DNA copy number gain and loss were readily identifiable. For example, gains within 1q, 8q, 17q, and 20q were observed in a high proportion of breast cancer cell lines/tumors (90%/69%, 100%/47%, 100%/60%, and 90%/44%, respectively), as were losses within 1p, 3p, 8p, and 13q (80%/24%, 80%/22%, 80%/22%, and 70%/18%, respectively), consistent with published cytogenetic studies (refs. 2–4; a complete listing of gains/losses is provided in Tables 2 and 3, which are published as supporting information on the PNAS web site). The total
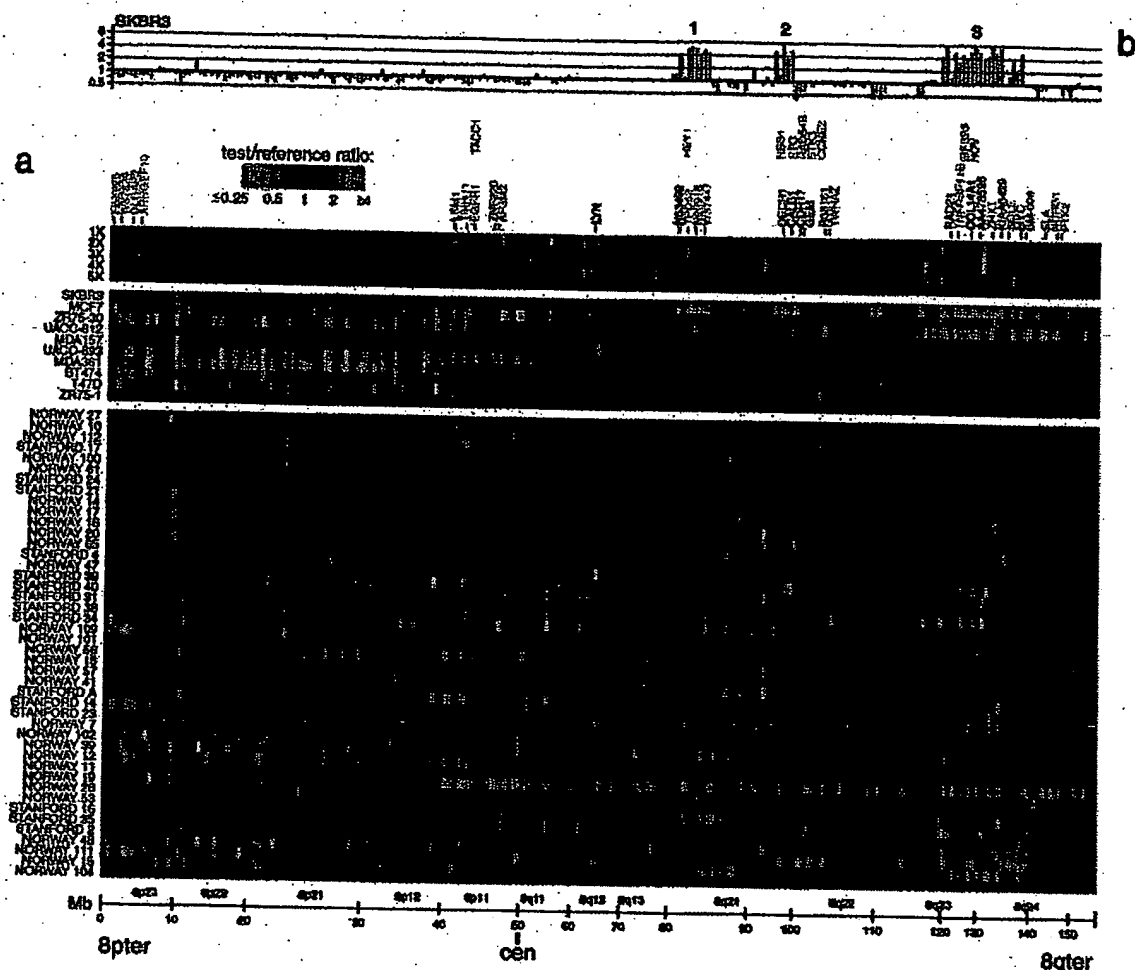
Fig. 2. DNA copy number alteration across chromosome 8 by array CGH. (a) DNA copy number profiles are illustrated for cell lines containing different numbers of X chromosomes, for breast cancer cell lines, and for breast tumors. Breast cancer cell lines and tumors are separately ordered by hierarchical clustering to highlight recurrent copy number changes. The 241 genes present on the microarrays and mapping to chromosome 8 are ordered by position along the chromosome. Fluorescence ratios (test/reference) are depicted by a $\log_2$ pseudocolor scale (indicated). Selected genes are indicated with color-coded text (red, increased; green, decreased; black, no change; gray, not well measured) to reflect correspondingly altered mRNA levels (observed in the majority of the subset of samples displaying the DNA copy number change). The map positions for genes of interest that are not represented on the microarray are indicated in the row above those genes represented on the array. (b) Graphical display of DNA copy number profile for breast cancer cell line SKBR3. Fluorescence ratios (tumor/normal) are plotted on a $\log_2$ scale for chromosome 8 genes, ordered along the chromosome.

number of genomic alterations (gains and losses) was found to be significantly higher in breast tumors that were high grade ($P = 0.008$), consistent with published CGH data (3), estrogen receptor negative ($P = 0.04$), and harboring TP53 mutations ($P = 0.0006$) (see Table 4, which is published as supporting information on the PNAS web site).

The improved spatial resolution of our array CGH analysis is illustrated for chromosome 8, which displayed extensive DNA copy number alteration in our series. A detailed view of the variation in the copy number of 241 genes mapping to chromosome 8 revealed multiple regions of recurrent amplification; each of these potentially harbors a different known or previously uncharacterized oncogene (Fig. 2a). The complexity of amplicon structure is most easily appreciated in the breast cancer cell line SKBR3. Although a conventional CGH analysis of 8q in SKBR3 identified only two distinct regions of amplification (12), we observed three distinct regions of high-level amplification (labeled 1–3 in Fig. 2b). For each of these regions we can define the

boundaries of the interval recurrently amplified in the tumors we examined; in each case, known or plausible candidate oncogenes can be identified (a description of these regions, as well as the recurrently amplified regions on chromosomes 17 and 20, can be found in Figs. 6 and 7, which are published as supporting information on the PNAS web site).

For a subset of breast cancer cell lines and tumors (4 and 37, respectively), and a subset of arrayed genes (6,095), mRNA levels were quantitatively measured in parallel by using cDNA microarrays (8). The parallel assessment of mRNA levels is useful in the interpretation of DNA copy number changes. For example, the highly amplified genes that are also highly expressed are the strongest candidate oncogenes within an amplicon. Perhaps more significantly, our parallel analysis of DNA copy number changes and mRNA levels provides us the opportunity to assess the global impact of widespread DNA copy number alteration on gene expression in tumor cells.

A strong influence of DNA copy number on gene expression is evident in an examination of the pseudocolor representations
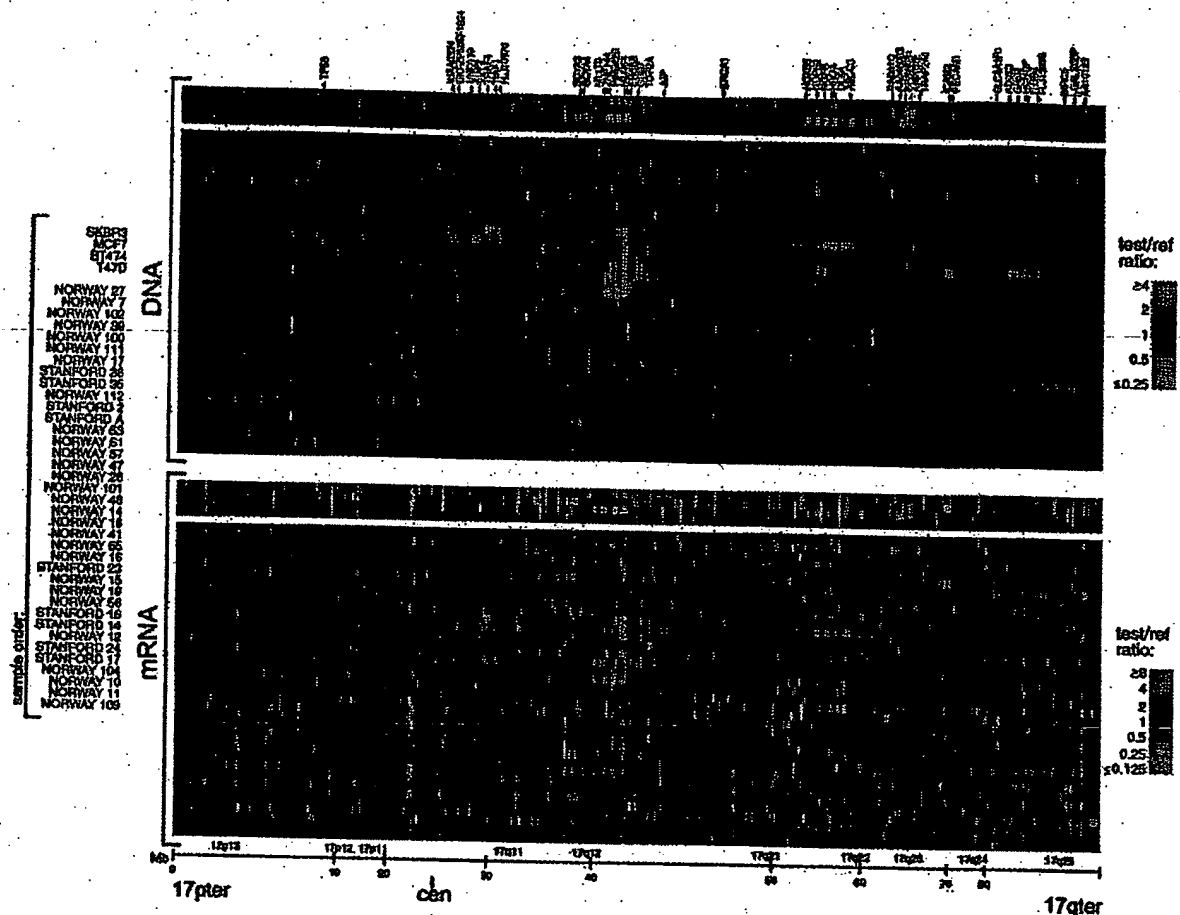
Fig. 3. Concordance between DNA copy number and gene expression across chromosome 17. DNA copy number alteration (*Upper*) and mRNA levels (*Lower*) are illustrated for breast cancer cell lines and tumors. Breast cancer cell lines and tumors are separately ordered by hierarchical clustering (*Upper*), and the identical sample order is maintained (*Lower*). The 354 genes present on the microarrays and mapping to chromosome 17, and for which both DNA copy number and mRNA levels were determined, are ordered by position along the chromosome; selected genes are indicated in color-coded text (see Fig. 2 legend). Fluorescence ratios (test/reference) are depicted by separate $\log_2$ pseudocolor scales (indicated).

of DNA copy number and mRNA levels for genes on chromosome 17 (Fig. 3). The overall patterns of gene amplification and elevated gene expression are quite concordant; i.e., a significant fraction of highly amplified genes appear to be correspondingly highly expressed. The concordance between high-level amplification and increased gene expression is not restricted to chromosome 17. Genome-wide, of 117 high-level DNA amplifications (fluorescence ratios >4, and representing 91 different genes), 62% (representing 54 different genes; see Table 5, which is published as supporting information on the PNAS web site) are found associated with at least moderately elevated mRNA levels (mean-centered fluorescence ratios >2), and 42% (representing 36 different genes) are found associated with comparably highly elevated mRNA levels (mean-centered fluorescence ratios >4).

To determine the extent to which DNA deletion and lower-level amplification (in addition to high-level amplification) are also associated with corresponding alterations in mRNA levels, we performed three separate analyses on the complete data set (4 cell lines and 37 tumors, across 6,095 genes). First, we determined the average mRNA levels for each of five classes of genes, representing DNA deletion, no change, and low-, medium-, and high-level amplification (Fig. 4a). For both the breast cancer cell lines and tumors, average mRNA levels tracked with DNA copy number across all five classes, in a statistically significant fashion (P values for pair-wise Student's t tests comparing adjacent classes: cell lines, 4×10^{-49}, 1×10^{-49}, 5×10^{-5}, 1×10^{-2}; tumors, 1×10^{-43}, 1×10^{-214}, 5×10^{-41}, 1×10^{-4}). A linear regression of the average log(DNA copy number), for each class, against average log(mRNA level) demonstrated that on average, a 2-fold change in DNA copy number was accompanied by 1.4- and 1.5-fold changes in mRNA level for the breast cancer cell lines and tumors, respectively (Fig. 4a, regression line not shown). Second, we characterized the distribution of the 6,095 correlations between DNA copy number and mRNA level, each across the 37 tumor samples (Fig. 4b). The distribution of correlations forms a normal-shaped curve, but with the peak markedly shifted in the positive direction from zero. This shift is statistically significant, as evidenced in a plot of observed vs. expected correlations (Fig. 4c), and reflects a pervasive global influence of DNA copy number alterations on gene expression. Notably, the highest correlations between DNA copy number and mRNA level (the right tail of the distribution in Fig. 4b) comprise both amplified and deleted genes (data not shown). Third, we used a linear regression model to estimate the fraction of all variation measured in mRNA levels among the 37
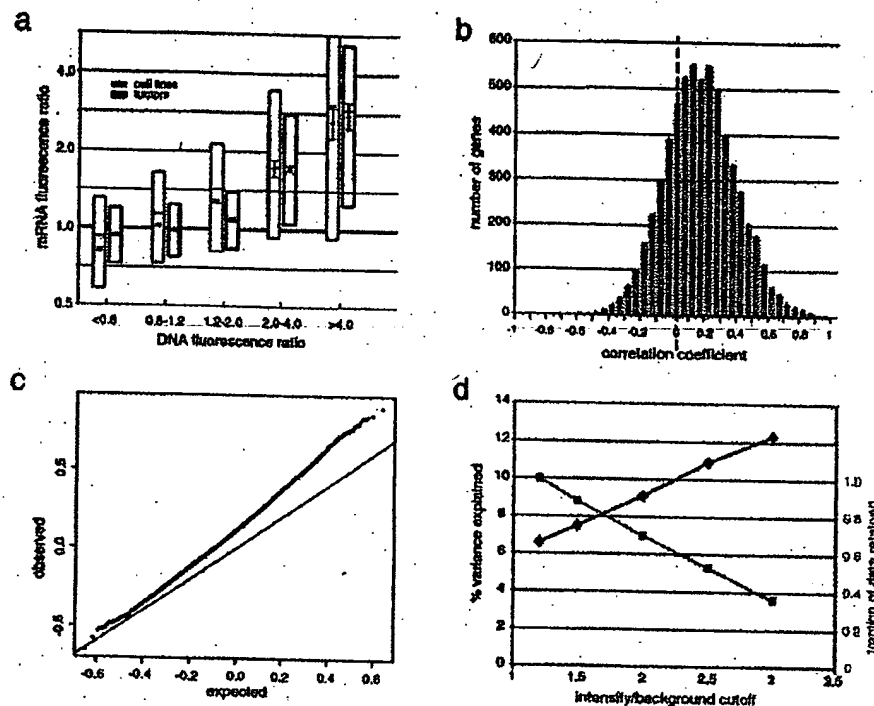
Fig. 4. Genome-wide influence of DNA copy number alterations on mRNA levels. (a) For breast cancer cell lines (gray) and tumor samples (black), both mean-centered mRNA fluorescence ratio ($\log_2$ scale) quartiles (box plots indicate 25th, 50th, and 75th percentile) and averages (diamonds; Y-value error bars indicate standard errors of the mean) are plotted for each of five classes of genes, representing DNA deletion (tumor/normal ratio < 0.8), no change (0.8–1.2), low- (1.2–2), medium- (2–4), and high-level (>4) amplification. P values for pair-wise Student's t tests, comparing averages between adjacent classes (moving left to right), are 4×10^{-49}, 1×10^{-49}, 5×10^{-5}, 1×10^{-2} (cell lines), and 1×10^{-43}, 1×10^{-214}, 5×10^{-41}, 1×10^{-4} (tumors). (b) Distribution of correlations between DNA copy number and mRNA levels, for 6,095 different human genes across 37 breast tumor samples. (c) Plot of observed versus expected correlation coefficients. The expected values were obtained by randomization of the sample labels in the DNA copy number data set. The line of unity is indicated. (d) Percent variance in gene expression (among tumors) directly explained by variation in gene copy number. Percent variance explained (black line) and fraction of data retained (gray line) are plotted for different fluorescence intensity/background (a rough surrogate for signal/noise) cutoff values. Fraction of data retained is relative to the 1.2 intensity/background cutoff. Details of the linear regression model used to estimate the fraction of variation in gene expression attributable to underlying DNA copy number alteration can be found in the supporting information (see *Estimating the Fraction of Variation in Gene Expression Attributable to Underlying DNA Copy Number Alteration*).

tumors that could be attributed to underlying variation in DNA copy number. From this analysis, we estimate that, overall, about 7% of all of the observed variation in mRNA levels can be explained directly by variation in copy number of the altered genes (Fig. 4d). We can reduce the effects of experimental measurement error on this estimate by using only that fraction of the data most reliably measured (fluorescence intensity/background >3); using that data, our estimate of the percent variation in mRNA levels directly attributed to variation in gene copy number increases to 12% (Fig. 4d). This still undoubtedly represents a significant underestimate, as the observed variation in global gene expression is affected not only by true variation in the expression programs of the tumor cells themselves, but also by the variable presence of non-tumor cell types within clinical samples.

Discussion

This genome-wide, array CGH analysis of DNA copy number alteration in a series of human breast tumors demonstrates the usefulness of defining amplicon boundaries at high resolution (gene-by-gene), and quantitatively measuring amplicon shape, to assist in locating and identifying candidate oncogenes. By analyzing mRNA levels in parallel, we have also discovered that changes in DNA copy number have a large, pervasive, direct effect on global gene expression patterns in both breast cancer

cell lines and tumors. Although the DNA microarrays used in our analysis may display a bias toward characterized and/or highly expressed genes, because we are examining such a large fraction of the genome (approximately 20% of all human genes), and because, as detailed above, we are likely underestimating the contribution of DNA copy number changes to altered gene expression, we believe our findings are likely to be generalizable (but would nevertheless still be remarkable if only applicable to this set of ~6,100 genes).

In budding yeast, aneuploidy has been shown to result in chromosome-wide gene expression biases (13). Two recent studies have begun to examine the global relationship between DNA copy number and gene expression in cancer cells. In agreement with our findings, Phillips et al. (14) have shown that with the acquisition of tumorigenicity in an immortalized prostate epithelial cell line, new chromosomal gains and losses resulted in a statistically significant respective increase and decrease in the average expression level of involved genes. In contrast, Platzer et al. (15) recently reported that in metastatic colon tumors only ~4% of genes within amplified regions were found more highly (>2-fold) expressed, when compared with normal colonic epithelium. This report differs substantially from our finding that 62% of highly amplified genes in breast cancer exhibit at least 2-fold increased expression. These contrasting findings may reflect methodological differences between the

Pollack et al.

studies. For example, the study of Platzer et al. (15) may have systematically under-measured gene expression changes. In this regard it is remarkable that only 14 transcripts of many thousand residing within unamplified chromosomal regions were found to exhibit at least 4-fold altered expression in metastatic colon cancer. Additionally, their reliance on lower-resolution chromosomal CGH may have resulted in poorly delimiting the boundaries of high-complexity amplicons, effectively overcalling regions with amplification. Alternatively, the contrasting findings for amplified genes may represent real biological differences between breast and metastatic colon tumors; resolution of this issue will require further studies.

Our finding that widespread DNA copy number alteration has a large, pervasive and direct effect on global gene expression patterns in breast cancer has several important implications. First, this finding supports a high degree of copy number-dependent gene expression in tumors. Second, it suggests that most genes are not subject to specific autoregulation or dosage compensation. Third, this finding cautions that elevated expression of an amplified gene cannot alone be considered strong independent evidence of a candidate oncogene's role in tumorigenesis. In our study, fully 62% of highly amplified genes demonstrated moderately or highly elevated expression. This highlights the importance of high-resolution mapping of amplicon boundaries and shape [to identify the "driving" gene(s) within amplicons (16)], on a large number of samples, in addition to functional studies. Fourth, this finding suggests that analyzing

the genomic distribution of expressed genes, even within existing microarray gene expression data sets, may permit the inference of DNA copy number aberration, particularly aneuploidy (where gene expression can be averaged across large chromosomal regions; see Fig. 3 and supporting information). Fifth, this finding implies that a substantial portion of the phenotypic uniqueness (and by extension, the heterogeneity in clinical behavior) among patients' tumors may be traceable to underlying variation in DNA copy number. Sixth, this finding supports a possible role for widespread DNA copy number alteration in tumorigenesis (17, 18), beyond the amplification of specific oncogenes and deletion of specific tumor suppressor genes. Widespread DNA copy number alteration, and the concomitant widespread imbalance in gene expression, might disrupt critical stochiometric relationships in cell metabolism and physiology (e.g., proteosome, mitotic spindle), possibly promoting further chromosomal instability and directly contributing to tumor development or progression. Finally, our findings suggest the possibility of cancer therapies that exploit specific or global imbalances in gene expression in cancer.

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MOLECULAR BIOLOGY OF
THE CELL
fourth edition

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Front cover Human Genome: Reprinted by permission from *Nature,* International Human Genome Sequencing Consortium, 409:860–921, 2001 © Macmillan Magazines Ltd. Adapted from an image by Francis Collins, NHGRI; Jim Kent, UCSC; Ewan Birney, EBI; and Darryl Leja, NHGRI; showing a portion of Chromosome 1 from the initial sequencing of the human genome.

Back cover In 1967, the British artist Peter Blake created a design classic. Nearly 35 years later Nigel Orme (illustrator), Richard Denyer (photographer), and the authors have together produced an affectionate tribute to Mr Blake's image. With its gallery of icons and influences, its assembly created almost as much complexity, intrigue and mystery as the original. *Drosophila, Arabidopsis,* Dolly and the assembled company tempt you to dip inside where, as in the original, "a splendid time is guaranteed for all." (Gunter Blobel, courtesy of The Rockefeller University; Marie Curie, Keystone Press Agency Inc; Darwin bust, by permission of the President and Council of the Royal Society; Rosalind Franklin, courtesy of Cold Spring Harbor Laboratory Archives; Dorothy Hodgkin, © The Nobel Foundation, 1964; James Joyce, etching by Peter Blake; Robert Johnson, photo booth self-portrait early 1930s, © 1986 Delta Haze Corporation all rights reserved, used by permission; Albert L. Lehninger, (unidentified photographer) courtesy of The Alan Mason Chesney Medical Archives of The Johns Hopkins Medical Institutions; Linus Pauling, from Ava Helen and Linus Pauling Papers, Special Collections, Oregon State University; Nicholas Poussin, courtesy of ArtToday.com; Barbara McClintock, © David Micklos, 1983; Andrei Sakharov, courtesy of Elena Bonner; Frederick Sanger, © The Nobel Foundation, 1958.)
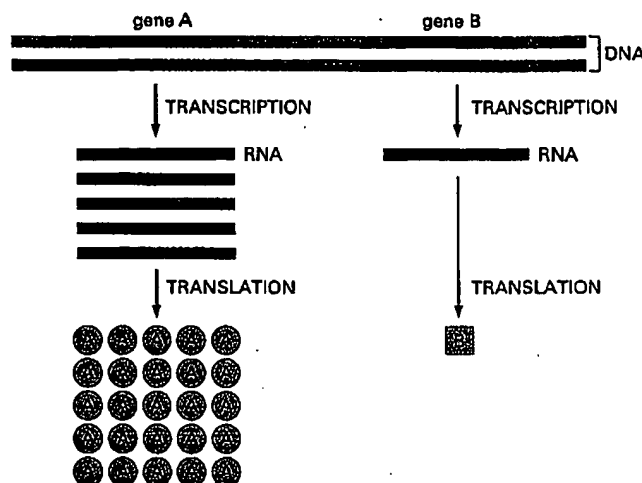
Figure 6–3 Genes can be expressed with different efficiencies. Gene A is transcribed and translated much more efficiently than gene B. This allows the amount of protein A in the cell to be much greater than that of protein B.

FROM DNA TO RNA

Transcription and translation are the means by which cells read out, or express, the genetic instructions in their genes. Because many identical RNA copies can be made from the same gene, and each RNA molecule can direct the synthesis of many identical protein molecules, cells can synthesize a large amount of protein rapidly when necessary. But each gene can also be transcribed and translated with a different efficiency, allowing the cell to make vast quantities of some proteins and tiny quantities of others (Figure 6–3). Moreover, as we see in the next chapter, a cell can change (or regulate) the expression of each of its genes according to the needs of the moment—most obviously by controlling the production of its RNA.

Portions of DNA Sequence Are Transcribed into RNA

The first step a cell takes in reading out a needed part of its genetic instructions is to copy a particular portion of its DNA nucleotide sequence—a gene—into an RNA nucleotide sequence. The information in RNA, although copied into another chemical form, is still written in essentially the same language as it is in DNA— the language of a nucleotide sequence. Hence the name **transcription**.

Like DNA, RNA is a linear polymer made of four different types of nucleotide subunits linked together by phosphodiester bonds (Figure 6–4). It differs from DNA chemically in two* respects: (1) the nucleotides in RNA are *ribonucleotides*—that is, they contain the sugar ribose (hence the name *ribonu-cleic acid*) rather than deoxyribose; (2) although, like DNA, RNA contains the bases adenine (A), guanine (G), and cytosine (C), it contains the base uracil (U) instead of the thymine (T) in DNA. Since U, like T, can base-pair by hydrogen-bonding with A (Figure 6–5), the complementary base-pairing properties described for DNA in Chapters 4 and 5 apply also to RNA (in RNA, G pairs with C, and A pairs with U). It is not uncommon, however, to find other types of base pairs in RNA: for example, G pairing with U occasionally.

Despite these small chemical differences, DNA and RNA differ quite dramatically in overall structure. Whereas DNA always occurs in cells as a double-stranded helix, RNA is single-stranded. RNA chains therefore fold up into a variety of shapes, just as a polypeptide chain folds up to form the final shape of a protein (Figure 6–6). As we see later in this chapter, the ability to fold into complex three-dimensional shapes allows some RNA molecules to have structural and catalytic functions.

Transcription Produces RNA Complementary to One Strand of DNA

All of the RNA in a cell is made by DNA transcription, a process that has certain similarities to the process of DNA replication discussed in Chapter 5.
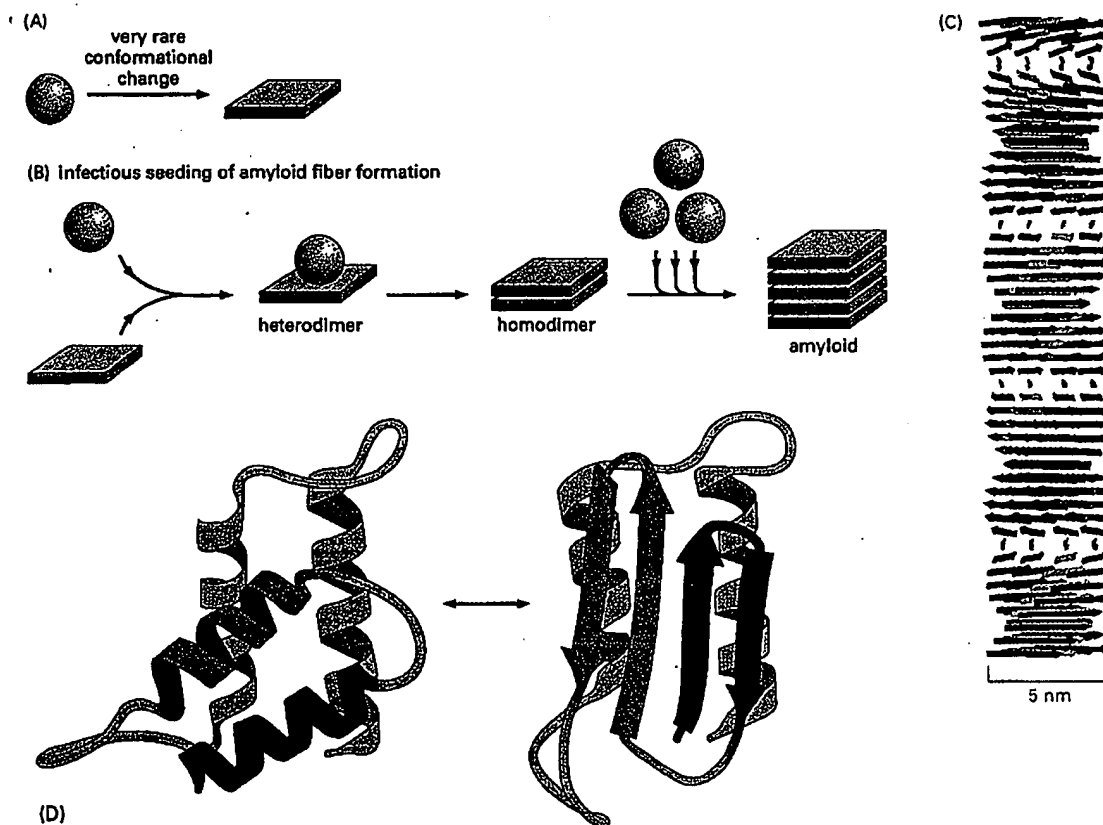
(A) very rare conformational change

(B) Infectious seeding of amyloid fiber formation

heterodimer   homodimer   amyloid

(C)

5 nm

(D)

Figure 6–89 Protein aggregates that cause human disease. (A) Schematic illustration of the type of conformational change in a protein that produces material for a cross-beta filament. (B) Diagram illustrating the self-infectious nature of the protein aggregation that is central to prion diseases. PrP is highly unusual because the misfolded version of the protein, called PrP*, induces the normal PrP protein it contacts to change its conformation, as shown. Most of the human diseases caused by protein aggregation are caused by the overproduction of a variant protein that is especially prone to aggregation, but because this structure is not infectious in this way, it cannot spread from one animal to another. (C) Drawing of a cross-beta filament, a common type of protease-resistant protein aggregate found in a variety of human neurological diseases. Because the hydrogen-bond interactions in a β sheet form between polypeptide backbone atoms (see Figure 3–9), a number of different abnormally folded proteins can produce this structure. (D) One of several possible models for the conversion of PrP to PrP*, showing the likely change of two α-helices into four β-strands. Although the structure of the normal protein has been determined accurately, the structure of the infectious form is not yet known with certainty because the aggregation has prevented the use of standard structural techniques. (C, courtesy of Louise Serpell, adapted from M. Sunde et al., *J. Mol. Biol.* 273:729–739, 1997; D, adapted from S.B. Prusiner, *Trends Biochem. Sci.* 21:482–487, 1996.)

animals and humans. It can be dangerous to eat the tissues of animals that contain PrP*, as witnessed most recently by the spread of BSE (commonly referred to as the "mad cow disease") from cattle to humans in Great Britain.

Fortunately, in the absence of PrP*, PrP is extraordinarily difficult to convert to its abnormal form. Although very few proteins have the potential to misfold into an infectious conformation, a similar transformation has been discovered to be the cause of an otherwise mysterious "protein-only inheritance" observed in yeast cells.

There Are Many Steps From DNA to Protein

We have seen so far in this chapter that many different types of chemical reactions are required to produce a properly folded protein from the information contained in a gene (Figure 6–90). The final level of a properly folded protein in a cell therefore depends upon the efficiency with which each of the many steps is performed.

We discuss in Chapter 7 that cells have the ability to change the levels of their proteins according to their needs. In principle, any or all of the steps in Fig-
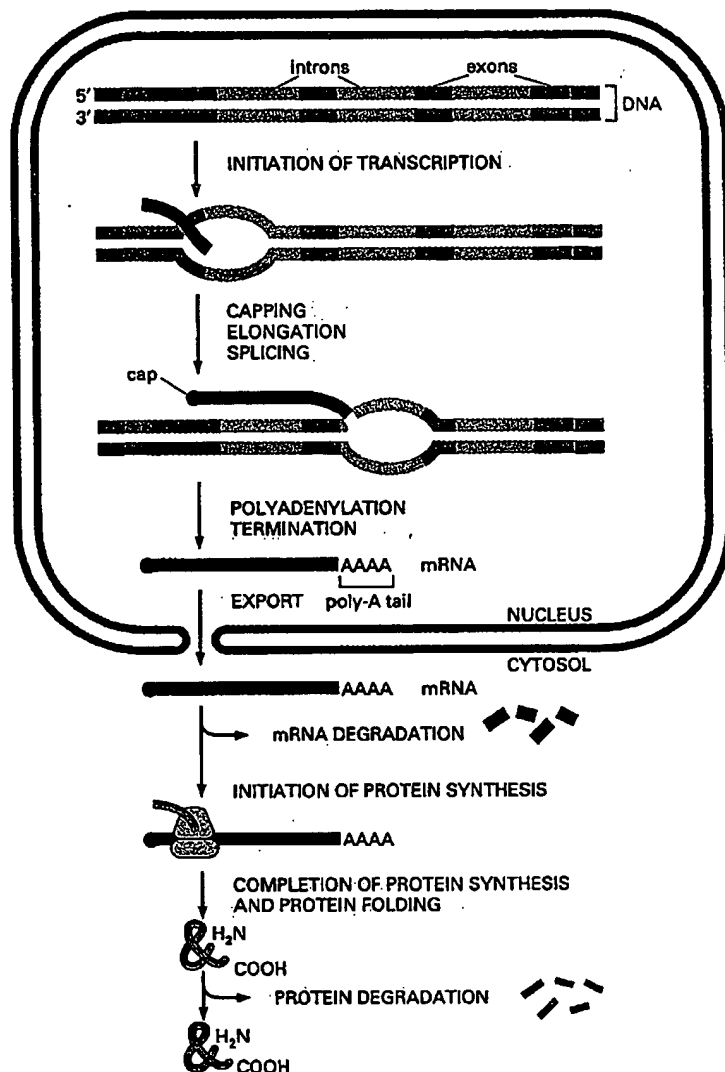
Figure 6–90 The production of a
protein by a eucaryotic cell. The final
level of each protein in a eucaryotic cell
depends upon the efficiency of each step
depicted.

introns   exons

5'   ] DNA
3'

INITIATION OF TRANSCRIPTION

CAPPING
ELONGATION
SPLICING

cap

POLYADENYLATION
TERMINATION

AAAA   mRNA

EXPORT   poly-A tail

NUCLEUS

CYTOSOL

AAAA   mRNA

mRNA DEGRADATION

INITIATION OF PROTEIN SYNTHESIS

AAAA

COMPLETION OF PROTEIN SYNTHESIS
AND PROTEIN FOLDING

H_2N
COOH

PROTEIN DEGRADATION

H_2N
COOH

ure 6–90) could be regulated by the cell for each individual protein. However, as
we shall see in Chapter 7, the initiation of transcription is the most common
point for a cell to regulate the expression of each of its genes. This makes sense,
inasmuch as the most efficient way to keep a gene from being expressed is to
block the very first step—the transcription of its DNA sequence into an RNA
molecule.

Summary

*The translation of the nucleotide sequence of an mRNA molecule into protein takes
place in the cytoplasm on a large ribonucleoprotein assembly called a ribosome. The
amino acids used for protein synthesis are first attached to a family of tRNA
molecules, each of which recognizes, by complementary base-pair interactions, par-
ticular sets of three nucleotides in the mRNA (codons). The sequence of nucleotides in
the mRNA is then read from one end to the other in sets of three according to the
genetic code.*

*To initiate translation, a small ribosomal subunit binds to the mRNA molecule
at a start codon (AUG) that is recognized by a unique initiator tRNA molecule. A
large ribosomal subunit binds to complete the ribosome and begin the elongation
phase of protein synthesis. During this phase, aminoacyl tRNAs—each bearing a
specific amino acid bind sequentially to the appropriate codon in mRNA by forming
complementary base pairs with the tRNA anticodon. Each amino acid is added to the
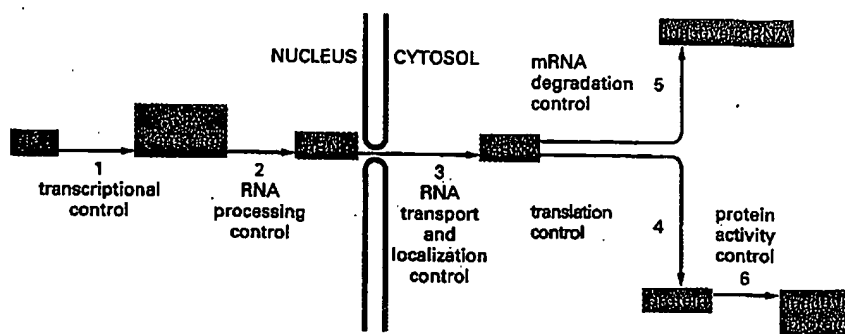C-terminal end of the growing polypeptide by means of a cycle of three sequential*

Figure 7–5 Six steps at which eucaryotic gene expression can be controlled. Controls that operate at steps I through 5 are discussed in this chapter. Step 6, the regulation of protein activity, includes reversible activation or inactivation by protein phosphorylation (discussed in Chapter 3) as well as irreversible inactivation by proteolytic degradation (discussed in Chapter 6).

Gene Expression Can Be Regulated at Many of the Steps in the Pathway from DNA to RNA to Protein

If differences among the various cell types of an organism depend on the particular genes that the cells express, at what level is the control of gene expression exercised? As we saw in the last chapter, there are many steps in the pathway leading from DNA to protein, and all of them can in principle be regulated. Thus a cell can control the proteins it makes by (1) controlling when and how often a given gene is transcribed (**transcriptional control**), (2) controlling how the RNA transcript is spliced or otherwise processed (**RNA processing control**), (3) selecting which completed mRNAs in the cell nucleus are exported to the cytosol and determining where in the cytosol they are localized (**RNA transport and localization control**), (4) selecting which mRNAs in the cytoplasm are translated by ribosomes (**translational control**), (5) selectively destabilizing certain mRNA molecules in the cytoplasm (**mRNA degradation control**), or (6) selectively activating, inactivating, degrading, or compartmentalizing specific protein molecules after they have been made (**protein activity control**) (Figure 7–5).

For most genes transcriptional controls are paramount. This makes sense because, of all the possible control points illustrated in Figure 7–5, only transcriptional control ensures that the cell will not synthesize superfluous intermediates. In the following sections we discuss the DNA and protein components that perform this function by regulating the initiation of gene transcription. We shall return at the end of the chapter to the additional ways of regulating gene expression.

Summary

The genome of a cell contains in its DNA sequence the information to make many thousands of different protein and RNA molecules. A cell typically expresses only a fraction of its genes, and the different types of cells in multicellular organisms arise because different sets of genes are expressed. Moreover, cells can change the pattern of genes they express in response to changes in their environment, such as signals from other cells. Although all of the steps involved in expressing a gene can in principle be regulated, for most genes the initiation of RNA transcription is the most important point of control.

DNA-BINDING MOTIFS IN GENE REGULATORY PROTEINS

How does a cell determine which of its thousands of genes to transcribe? As mentioned briefly in Chapters 4 and 6, the transcription of each gene is controlled by a regulatory region of DNA relatively near the site where transcription begins. Some regulatory regions are simple and act as switches that are thrown by a single signal. Many others are complex and act as tiny microprocessors, responding to a variety of signals that they interpret and integrate to switch the neighboring gene on or off. Whether complex or simple, these switching devices

occur in the germ line, the cell lineage that gives rise to sperm or eggs. Most of the DNA in vertebrate germ cells is inactive and highly methylated. Over long periods of evolutionary time, the methylated CG sequences in these inactive regions have presumably been lost through spontaneous deamination events that were not properly repaired. However promoters of genes that remain active in the germ cell lineages (including most housekeeping genes) are kept unmethylated, and therefore spontaneous deaminations of Cs that occur within them can be accurately repaired. Such regions are preserved in modern day vertebrate cells as CG islands. In addition, any mutation of a CG sequence in the genome that destroyed the function or regulation of a gene in the adult would be selected against, and some CG islands are simply the result of a higher than normal density of critical CG sequences.

The mammalian genome contains an estimated 20,000 CG islands. Most of the islands mark the 5' ends of transcription units and thus, presumably, of genes. The presence of CG islands often provides a convenient way of identifying genes in the DNA sequences of vertebrate genomes.

Figure 7–86 A mechanism to explain both the marked overall deficiency of CG sequences and their clustering into CG islands in vertebrate genomes. A *black line* marks the location of a CG dinucleotide in the DNA sequence, while a *red* "lollipop" indicates the presence of a methyl group on the CG dinucleotide. CG sequences that lie in regulatory sequences of genes that are transcribed in germ cells are unmethylated and therefore tend to be retained in evolution. Methylated CG sequences, on the other hand, tend to be lost through deamination of 5-methyl C to T, unless the CG sequence is critical for survival.

Summary

The many types of cells in animals and plants are created largely through mechanisms that cause different genes to be transcribed in different cells. Since many specialized animal cells can maintain their unique character through many cell division cycles and even when grown in culture, the gene regulatory mechanisms involved in creating them must be stable once established and heritable when the cell divides. These features endow the cell with a memory of its developmental history. Bacteria and yeasts provide unusually accessible model systems in which to study gene regulatory mechanisms. One such mechanism involves a competitive interaction between two gene regulatory proteins, each of which inhibits the synthesis of the other; this can create a flip-flop switch that switches a cell between two alternative patterns of gene expression. Direct or indirect positive feedback loops, which enable gene regulatory proteins to perpetuate their own synthesis, provide a general mechanism for cell memory. Negative feedback loops with programmed delays form the basis for cellular clocks.

In eucaryotes the transcription of a gene is generally controlled by combinations of gene regulatory proteins. It is thought that each type of cell in a higher eucaryotic organism contains a specific combination of gene regulatory proteins that ensures the expression of only those genes appropriate to that type of cell. A given gene regulatory protein may be active in a variety of circumstances and typically is involved in the regulation of many genes.

In addition to diffusible gene regulatory proteins, inherited states of chromatin condensation are also used by eucaryotic cells to regulate gene expression. An especially dramatic case is the inactivation of an entire X chromosome in female mammals. In vertebrates DNA methylation also functions in gene regulation, being used mainly as a device to reinforce decisions about gene expression that are made initially by other mechanisms. DNA methylation also underlies the phenomenon of genomic imprinting in mammals, in which the expression of a gene depends on whether it was inherited from the mother or the father.

POSTTRANSCRIPTIONAL CONTROLS

In principle, every step required for the process of gene expression could be controlled. Indeed, one can find examples of each type of regulation, although any one gene is likely to use only a few of them. Controls on the initiation of gene transcription are the predominant form of regulation for most genes. But other controls can act later in the pathway from DNA to protein to modulate the amount of gene product that is made. Although these **posttranscriptional controls**, which operate after RNA polymerase has bound to the gene's promoter and begun RNA synthesis, are less common than *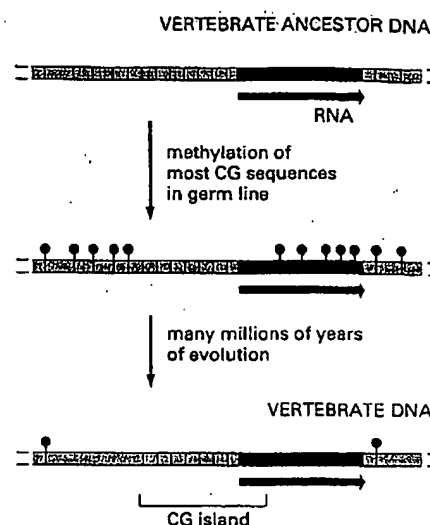transcriptional control*, for many genes they are crucial.